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TRUE HISTORY
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By

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1902

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Preface

THE purpose of this history of the Revolution is to use the original authorities rather more frankly than has been the practice with our historians. They appear to have thought it advisable to omit from their narratives a great deal which, to me, seems essential to a true picture.

I cannot feel satisfied with any description of the Revolution which treats the desire for independence as a sudden thought, and not a long growth and development, or which assumes that every detail of the conduct of the British government was absurdly stupid, even from its own point of view, and that the loyalists were few in numbers and their arguments not worth considering. I cannot see any advantage in not describing in their full meaning and force the smuggling, the buying of laws from the governors, and other irregular conduct in the colonies which led England to try to remodel them as soon as the fear of the French in Canada was removed. Nor can I accept a description which fails to reveal the salient details of the great controversy over the rather peculiar methods adopted by General Howe to suppress the rebellion. This controversy was a part of the Revolution. It involved the interesting question of Howe's instructions from the ministry and the methods which the ministry intended to use with the revolted colonists.

Whatever we may now think of Howe's conduct, and in whatever way we may try to explain it, the fact remains that it was once a subject which attracted universal

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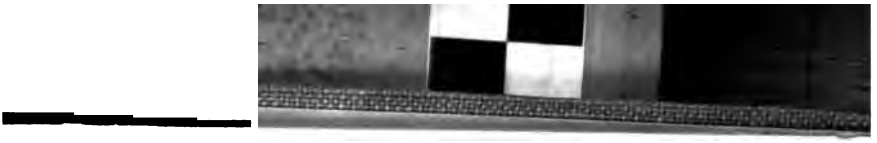


attention and aroused most violent attacks upon him in England and among the loyalists in America. Some of these very plain-spoken arraignments, with the evidence in support of them, can still be read in the writings of Galloway, Van Schaack, and others, or in Howe's own defence, which some thought was the strongest argument against him. Why should these documents and the evidence taken before the Parliamentary committee of inquiry be concealed from the ordinary reader, with the result that if by chance he turns to the original authorities he is surprised to find that the Revolution there described is entirely different from the one in which he had been taught to believe?

Some of us might possibly not accept these attacks upon Howe as just or well founded; they might think that his reply, which we can still read in his published "Narrative," was a complete defence and justification. There is no reason why we should not adopt any opinion or explanation which seems best. But I protest against the historians who refuse to give us a chance to form an opinion of our own on either the one side or the other. I protest against the concealing of this subject, of suppressing the whole of the evidence against Howe as well as the evidence in his favor; and I protest because his conduct necessarily produced momentous results in the Revolution.

To my mind the whole question of the conduct of General Howe is as important a part of history as the assistance rendered us by France; for if what the people of his own time said of Howe be true, his conduct directly contributed to bring about our alliance with that country, and ultimately our independence.

There has, it seems, been a strong temptation to withhold from the modern public a knowledge of the controversy over Howe's conduct, because it is impossible to

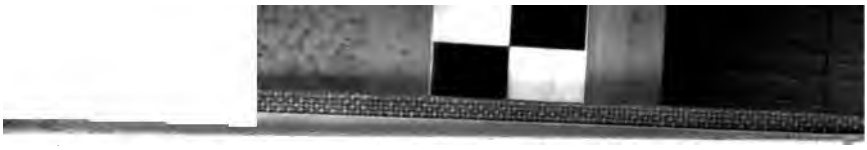
disclose that controversy in all its bearings without at the same time showing that the British government, up to the summer of 1778, used extremely lenient and conciliatory methods in dealing with the revolted colonists. The historians appear to have felt that to admit that such gentle methods were used would be inadvisable, would tend to weaken our side of the argument, and show that we were bent on independence for mere independence' sake.

The historians seem to have assumed that we do not want to know about that controversy, or that it will be better for us not to know about it. They have assumed that it will be better for Americans to think that independence was a sudden and deplorable necessity and not a desire of long and ardent growth and cautiously planned intention. They have assumed that we want to think of England as having lost the colonies by failure to be conciliatory, and that the Revolution was a one-sided, smooth affair, without any of the difficulties or terrors of a rebellion or a great upheaval of settled opinion.

The taint of these assumptions runs through all our histories. They are, I think, mistaken assumptions and an affront to our people. They prefer to know the truth, and the whole truth; and there is nothing in the truth of which they need be afraid.

Having decided to withhold from the public a knowledge of the contemporary opinion of Howe, the historians naturally conceal or obscure his relations to the Whig party, the position of that party in England, its connection with the rebel colonists, the peculiar difficulties under which the Tory ministry labored, and their instructions to Howe on the conduct of the war. Unless all these conditions are clearly set forth, most of the events and battles of the Revolution are inexplicable.

Before I discovered the omissions of our standard his-



tories I always felt as though I were reading about something that had never happened, and that was contrary to the ordinary experience of human nature. I could not understand how a movement which was supposed to have been such a deep uprooting of settled thought and custom —a movement which is supposed to have been one of the great epochs of history—could have happened like an occurrence in a fairy-tale. I could not understand the military operations; and it seemed strange to me that they were not investigated, explained, and criticised like those of Napoleon's campaigns or of our own Civil War.

I was never satisfied until I had spent a great deal of time in research, burrowing into the dust of the hundreds of old brown pamphlets, newspapers, letters, personal memoirs, documents, publications of historical societies, and the interminable debates of Parliament which, now that the eye-witnesses are dead, constitute all the evidence that is left us of the story of the Revolution. Those musty documents painted a very vivid picture upon my mind, and I wish I had the power of painting the picture as the original sources reveal it.

I understand, of course, that the methods used by our historians have been intended to be productive of good results, to build up nationality, and to check sectionalism and rebellion. Students and the literary class do not altogether like successful rebellions; and the word revolution is merely another name for a successful rebellion. Rebellions are a trifle awkward when you have settled down, although the Declaration of Independence contains a clause to relieve this embarrassment by declaring that "governments long established should not be changed for light or transient causes." The people who write histories are usually of the class who take the side of the government in a revolution; and as Americans they are anxious to believe

that our Revolution was different from others, more decorous, and altogether free from the atrocities, mistakes, and absurdities which characterize even the patriot party in a revolution. They do not like to describe in their full coloring the strong Americanism and the doctrines of the rights of man which inspired the party that put through our successful rebellion. They have accordingly tried to describe a revolution in which all scholarly, refined, and conservative persons might have unhesitatingly taken part; but such revolutions have never been known to happen.

The Revolution was a much more ugly and unpleasant affair than most of us imagine. I know of many people who talk a great deal about their ancestors, but who I am quite sure would not now take the side their ancestors chose. Nor was it a great, spontaneous, unanimous uprising, all righteousness, perfection, and infallibility, a marvel of success at every step, and incapable of failure, as many of us very naturally believe from what we have read.

The device of softening the unpleasant or rebellious features of the Revolution does not, I think, accomplish the improving and edifying results among us, which the historians from their exalted station are so gracious as to wish to bestow. A candid and free disclosure of all that the records contain would be more appreciated by our people and of more advantage to them. They are as fully competent to judge of actions and events as any one of their number who takes upon himself the tasks of the historian.

It will be observed that I invariably speak of those colonists who were opposed to the rebellion as loyalists, and not as Tories. They never fully accepted the name Tory, either in its contemptuous sense or as meaning a

member of the Tory party in England. They were not entirely in accord with that party. They regarded themselves as Americans who were loyal to what they called the empire, and this distinction was, in their minds, of vast importance. I have labored to describe them strictly from their own point of view, with the arguments, facts, principles, and feelings which they used in their pamphlets and documents; and I give them the name which they preferred. They were far more numerous than is generally supposed; and on the difficult question of their numbers I shall give my readers the advantage of all that I can find in the records.

In the illustrations of this volume I have for the most part avoided reproductions of portraits, because they are apt to be misleading. I have given, however, the portraits of two loyalists, whose fine clothes do not perhaps misrepresent them. We can have faith in very few of the Revolutionary portraits as likenesses; and the handsome clothes or magnificent uniforms in which it was easy enough to paint patriot officers, and the modern illustrator's efforts to produce elegance or quaintness, are altogether inconsistent with the agitation, ragged poverty, suffering, and apparent hopelessness which marked one of the most remarkable political outbursts of history.

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The True History of the American Revolution

I

EARLY CONDITIONS AND CAUSES

THE great underlying conditions which brought about the Revolution were the presence of the French in Canada, and the extremely liberal governments, semi-independence, and disregard of laws and regulations which England, in the early days, was compelled to allow the colonies in America. The increasing power of France in the north compelled England to be liberal and even lax in governing her colonies. As the attitude of France became more and more threatening down to the year 1763, England could take no severe or repressive measures with the Americans, who were growing up very much as they pleased.

In our time colonies usually are regarded as places for the overflow of the mother country's excess of population. But down to the time of our Revolution England had no overflow of population. When England began to have colonies in America, about the year 1610, her population was only five million. At the time of our Revolution it was barely eight million, and large districts of country, especially in the northern part of England, were still

almost as primitive and uncultivated as the American wilderness.

Colonies were in early times regarded as places for obtaining gold, silver, and furs; and it was hoped that if people could be forced to go out to them they might be able to extend trade, furnish England raw material, and create a market for manufactured goods. The people who settled in America were either mere adventurous characters, like the first Virginia colonists, or Puritans, Quakers, and Roman Catholics driven out of England by the severities of royalists and churchmen, or they were royalists, like those of the second migration to Virginia, driven out of England when the Puritans under Cromwell got into power.

When persecution ceased there was no migration of any importance to the colonies. Migration to New England ceased after 1640; and in all the colonies the migration was comparatively small. The people increased in the natural way by births, and increased with remarkable rapidity. The two million white colonists of 1776 were largely a native stock, whose ancestors had been on the soil for many generations; and they had grown out of an original stock of immigrants which had not numbered one hundred thousand.* This native and natural growth is worth remembering when we are seeking to explain the desire for independence.

Alluring promises of gold and easy systems of government were the great persuasives to English colonization. The British government, only too glad to be rid of rebellious Puritans, Quakers, and Roman Catholics, willingly gave them liberal charters. This explains that freedom in many of the old charters which has surprised so many

* F. B. Dexter, "Estimates of Population in the American Colonies," p. 29, published by the American Antiquarian Society.

students of our colonial history. Some of these liberal instruments were granted by the Stuart kings, with the approval of their officials and courtiers, all of whom showed by almost every other act of their lives that they were the determined enemies of free parliaments and free representation of the people.

Connecticut, for example, obtained in 1662 from Charles II. a charter which made the colony almost independent; and to-day there is no colony of the British empire that has so much freedom as Connecticut and Rhode Island always had, or as Massachusetts had down to 1685. Connecticut and Rhode Island elected their own legislatures and governors, and did not even have to send their laws to England for approval.* No modern British colony elects its own governor; and, if it has a legislature elected by its people, the acts of that legislature can be vetoed by the home government. A community electing its own governor and enacting whatever laws it pleases is not a colony in the modern English meaning of the word. Connecticut and Rhode Island could not make treaties with foreign nations, but in other respects they were, as we would now say, semi-independent commonwealths under the protectorate or suzerainty of England.†

The obtaining of this extremely liberal Connecticut charter has sometimes been explained by suggesting that Winthrop, who went to England to procure it, had money to distribute among courtiers. A pretty story is also told of his having a ring which had been given to his father

* The charters can be read in the collections of Poore or of Hazzard. See Palfrey, "New England," vol. ii. pp. 540, 566.

† Neither Connecticut nor Rhode Island changed its form of government during the Revolution. The Connecticut charter was found to be liberal enough to serve as the constitution of an American State; and Connecticut lived under it until 1818. Rhode Island lived under her charter as a constitution until 1842.

such a taste of independence as New England and Virginia, which from the English point of view were regarded as the leaders in rebellion. But they had all had a certain measure of their own way of doing things, and had struggled to have more of their own way, and had found that England was compelled at times to yield to them. It is not necessary to describe the details of this struggle, its successes or failures. It is of more importance to describe a method of government which grew up in all the colonies that did not elect their own governors, a method which they regarded as the bulwark of their liberties, which in England was regarded as scandalous, and which had an important influence on the Revolution.

It arose out of the system by which the people of the colony elected the legislature, and the crown, or a proprietor under the crown, as in Pennsylvania and Maryland, appointed the governor. Under this system the legislature voted the governor his salary out of taxes which all these colonial legislatures had the power of levying. The governor had the power of absolute veto on all acts of the legislature, and, as representing the crown, he wanted certain laws passed to carry out the ideas or reforms of the home government.

The members of the legislature cared little or nothing for these reforms. As representing the people, they had their popular measures which they wished carried out. These measures the governor usually wanted to veto, either because he deemed them hostile to the interests of the crown, or because he wished to punish the legislature for failing to pass crown measures on which his reputation at home depended.

The governor and the legislature being thus dependent on each other, the question of salary threw the balance of power into the hands of the legislature. They quickly

learned the trick of withholding the governor's salary until he had assented to their measures. The system became practically one of bargain and sale, as Franklin called it. The people, through their legislators, bought from the governor, for cash, such laws as they needed. The petty squabbles with the governor, based on the detailed working of the system, were interminable in every colony where it prevailed. They fill the minute-books and records, making colonial history more tiresome than it might otherwise be, except in one instance, where Franklin, who often came in contact with the system, described it in his inimitable manner:

"Hence arose the custom of presents twice a year to the governors, at the close of each session in which laws were passed, given at the time of passing; they usually amounted to a thousand pounds per annum. But when the governors and assemblies disagreed, so that laws were not passed, the presents were withheld. When a disposition to agree ensued, there sometimes still remained some diffidence. The governors would not pass the laws that were wanted without being sure of the money, even all that they called their arrears; nor the assemblies give the money without being sure of the laws. Thence the necessity of some private conference, in which mutual assurances of good faith might be received and given, that the transaction should go hand in hand. What name the impartial reader will give to this kind of commerce I cannot say. . . . Time established the custom and made it seem honest; so that our governors, even those of the most undoubted honor, have practised it. . . .

"When they came to resolve, on the report of the grand committee, to give the money, they guarded their resolves very cautiously, to wit: 'Resolved that on the passage of such bills as now lie before the governor (the naturalization bill and such other bills as may be presented to him during the sitting) there be paid him the sum of five hundred pounds.' . . .

"Do not, my courteous reader, take pet at our proprietary constitution for these our bargain and sale proceedings in legislation. It is a happy country where justice and what was your own before can be had for ready money. It is another addition to the value of money, and, of course, another spur to industry. Every land is not so blessed." —Works, Bigelow edition, vol. iii. pp. 311–316.

What was thought and said of this system depended entirely on one's point of view. Franklin ridiculed it when it worked against him. Afterwards, in the Revolution, when he saw that colonial self-government depended upon it, he became, like Dickinson and other patriot leaders, a stanch upholder of it.* In England it was regarded as corruption. There was plenty of corruption in England at that time; but outside corruption always seems the more heinous; and this particular corruption blocked and thwarted nearly all the plans of the mother country to regulate her colonies. It was believed to have seriously interfered with the raising of supplies and aids for the war against the French and Indians. If anything of the sort existed in our time, if a territory of the United States, or an island like Porto Rico, were governed in that way, we would denounce it as most atrocious and absurd; and in all probability put a stop to it very quickly. It was very natural that England, acting from her point of view, should start to abolish it as soon as France was driven from the continent, and this attempt was one of the fundamental causes of the Revolution.

The colonists who had become Americanized, tinged with the soil, differentiated from English influence, or, as Englishmen said, rebelliously inclined, were all enthusiastic supporters of the bargain and sale system. They loved it and were ready to die for it, and resisted any change or reform in it. They would not hear of fixing regular salaries upon the governors, because they knew that the moment the governors ceased to be dependent on the legislatures for their salaries, the legislatures would be powerless to accomplish the popular will, and the colonies,

* Franklin, Works, Bigelow edition, vol. iv. pp. 407, 433; vol. v. p. 465. Dickinson describes the advantages of the system in his "Letters from a Farmer," letters ix., x., etc.

except Connecticut and Rhode Island, would fall completely under control of Parliament and the king. Each legislature was called and adjourned by the governor; and he would hardly take the trouble to call it, except to pass crown measures, unless he was dependent on it for his salary.

In every colony where this system prevailed there was a body of popular laws on the statute-book which, in the course of fifty or a hundred years, had been secured, one by one, by this bargaining with the governor. The people, who were patriotically inclined, loved these laws; and had enjoyed the contests for them. They had heard and read the details of these contests at the taverns and coffee-houses; the self-confident, haughty, or scolding messages of the governor, and the astute or sarcastic replies of the legislature; and they fought the wordy battle over again with keen interest. So long as they controlled the governor's salary they felt themselves freemen; once lose that control, and they were, as they expressed it, political slaves.

The system extended to the judges, who, though appointed by the crown or governor, were dependent for their salaries on the annual vote or whim of the legislature. In New York the judiciary was believed to be notoriously dependent. A chief justice, it was said, gave a decision against a member of the legislature, who promptly, in retaliation, had the judge's salary reduced fifty pounds. The local magistrates in New York were controlled by the assemblymen. Some of these magistrates could not write, and had to affix their marks to warrants. *

The colonists insisted that they must retain control of the judges' salaries, because, if the crown both appointed the judges and paid them their salaries, the decisions would

* "Documents relating to the Colonial History of New York," vol. vii. pp. 500, 705, 760, 774, 796, 797, 906, 979.

all be crown decisions. They were willing to compromise, however, and fix permanent salaries on the judges if the home government would agree that the judges should be appointed for life and good behavior instead of holding office at the pleasure of the crown. This apparently reasonable suggestion the English government would not adopt.* They seem to have feared that the judges appointed by that tenure would gradually drift to the side of the colonists, and make regulation and administration more difficult than ever. It was already extremely difficult to get a jury to decide in favor of the crown. The control of the colonies seemed to be slipping away, and the ministry must retain as much of it as was possible.

Those acts of Parliament by which the money raised from taxes on the colonies was not to be cast generally into the English exchequer, but to be used for "defraying the expenses of government and the administration of justice in the colonies," and therefore would be all spent in the colonies, read innocently enough. What could be more fair and honorable towards you, Englishmen would say, than an act which takes no money out of your country? It is the same money which you now raise by taxing yourselves; it will be spent, in the same way as you apply it, to pay governors and judges, and on a fixed and regular system.

But the "fixed and regular system" destroyed what the Americans considered their fundamental, constitutional principle, by which executive salaries must be within popular control. That principle was vitally necessary to all the colonies, except to Connecticut and Rhode Island. It would become vital to Connecticut and Rhode Island if they should lose the right to elect their own governors, as was not improbable when England began

* Franklin, Works, Bigelow edition, vol. v. pp. 463, 464.

her remodelling after the expulsion of France from Canada.

One effect of the system was to divide the upper classes of the colonists, and indeed all the people, into two parties,—those who were interested in the governor and the executive officers, and those who were interested in the legislature. Around every governor appointed from England there grew up a little aristocracy of powerful families and individuals, with their patronage, influence, and branches extending down through all classes. The people of this party who had means and education considered themselves the social superiors, because they were most closely connected with England and the king, who was the source of all rank and nobility. They considered themselves the only American society that deserved recognition. Nearly all of them became loyalists in the Revolution.

Among the legislative party, as it may be called, there were individuals and families of as much means and as good education as any in the governor's or executive party. But they formed a set by themselves, and were sometimes hardly on speaking terms with the executive party. In some of the colonies the two parties were on friendly terms; but in Pennsylvania, New York, and Massachusetts the contests and hatred between them were, at times, extremely bitter and violent.

Prominent men whose names have become household words among us—Hancock, Adams, and Warren, of Massachusetts, Schuyler, Hamilton, and Livingston, of New York, Reed, Morris, Dickinson, and Mifflin, of Pennsylvania, Paca and Chase, of Maryland, and Lee, Washington, Bland, and Harrison, of Virginia—were all of the Whig legislative set. They were more or less distinctly separated from the high society that basked in the regal

sunlight which, even when filtered through a colonial governor, was supposed to redeem America from vulgarity.

Had the Revolution terminated differently, another class of names might be household words in America,—Hunt, Galloway, Allen, and Hamilton, of Pennsylvania, DeLancey, Van Schaack, and Jones, of New York, Leonard, Sewall, Curwen, and Oliver, of Massachusetts,—names which once filled a large place in the public vision, but which now are meaningless to nearly every one.

England's easy method of dealing with her colonies had certainly produced a confused and irregular state of affairs, which was worse than has yet been described. It is important for us to remember many of the details of this condition, because they show the beginning of English dissatisfaction with the colonies and of the desire to have a sweeping remodelling as soon as France was out of the way.

The colonies, in exercise of the extreme liberty that had been allowed them, had taken on themselves to create their own paper currency. In some of them, especially in New England, the paper curreney was very seriously depreciated. In Pennsylvania the currency never depreciated; * but this did not help matters, because conservative people in England would regard it as merely a delusive encouragement of an evil system.

This paper money the colonists considered absolutely necessary to supply the place of the gold and silver which were so rapidly drained from them into England to pay for the manufactured goods they bought. There seems to be no doubt but that they were right in this, and so long as the issues of paper money were kept within safe bounds,

* "Pennsylvania: Colony and Commonwealth," pp. 72, 80, 87; Phillips, "Historical Sketches of Paper Currency in the American Colonies."

as in Pennsylvania, no harm resulted. But there were such disastrous results in other colonies that there was a great outcry in England. To many Englishmen this paper money seemed to be a mere dishonorable device to avoid paying the heavy debts which the colonists owed to the British merchants, who sold to them the axes with which they felled the forests, the ploughs with which they tilled the land, and the utensils in which they cooked their dinners.

This opinion was strengthened when it was remembered that some British colonies had attempted to pass stay laws to prevent English merchants from collecting debts, and that this risk had to be removed by an act of Parliament in 1732, giving English merchants the same right to seize private property for debt in the colonies that they had in England.* Finally, in 1751, Parliament tried to remedy the paper money evil, and passed an act declaring the paper money of the New England colonies an illegal tender in payment of a debt.

Good people in England and many members of Parliament looked upon the whole revolutionary movement as merely an attempt of debt-ridden provincials to escape from their obligations.† A nation on a firm gold basis always despises a nation struggling with a depreciated currency. We ourselves have had this feeling towards the West Indian and South American republics.

The people in England also heard a great deal about the convicts who had been transported to America, and that some of these convicts had been employed as school-teachers. Historical writers have given the number of

* "The Interest of the Merchants and Manufacturers of Great Britain in the Present Contest with the Colonies," p. 88, London, 1774.

† Franklin, Works, Bigelow edition, vol. v. p. 529.

these convicts that were sent here at from ten thousand to twenty-five thousand, most of them going to Maryland and the Middle Colonies.* We may believe that this had no demoralizing effect upon us, and perhaps it had not; but English people would naturally think that it had tinged our population, and they would exaggerate the evil effects, as we would ourselves if we should hear of twenty thousand convicts dumped into Japan or Cuba, or England itself.

In early colonial times piracy had been almost openly practised, and respectable people, even governors of colonies, were interested in its profits. The distinction between privateering, smuggling, piracy, and buccaneering was slight; the step from one to the other easy. The fascinating life of these brethren of the wave cannot be described here, except to say that piracy had been another item in the list of colonial offences. Protections to pirates were openly sold in New York, where the famous Captain Kidd lived, and handsome presents given to the governor and his daughters. It was a profitable occupation, and pursued as eagerly as modern stock jobbing and speculation. Charleston was equally deep in the business. Lord Bellamont was sent out to New York in 1695, as the result of what we would now call a reform movement. He reported "a most lycencious trade with pyrates, Scotland and Curaçoa." The people of New York, he said, "grew rich, but the customs, they decrease."†

Piracy, however, had passed away, and it was only a recollection of disorder, part of the ancient training of the

*Scharf, "History of Maryland," vol. i. p. 371; Pennsylvania Magazine of History, vol. xii. p. 457.

†"Men, Women, and Manners in Colonial Times," vol. ii. pp. 274-285; Johnson, "History of the Pirates;" Esquemeling, "Buccaneers of America;" "Documents relating to the Colonial History of New York," index vol., title, "Pirates."

colonists in self-will and love of independence. With regard to the other offences, bargain and sale legislation, dependent judiciary, or the reforms and remedies of them, both the colonists and England were in a constrained position so long as France kept strengthening her power on the north and pushing round to the westward into the valleys of the Ohio and the Mississippi.

Kalm, the Swedish botanist, who travelled in America in 1748, reported that the presence of the French in Canada was all that held the colonies in submission to England. He met both Americans and English who prophesied that the colonies would be absolutely independent within thirty or fifty years.*

The more we consider the conditions at that time, the more it becomes evident that the English-speaking communities in America were not colonies in the modern acceptance of the term. England had never fully reduced them to possession, had never really established her sovereignty among them.† She had encouraged them in the beginning with liberal grants for the sake of persuading them to occupy the country, and after that she was unable to repress their steady and aggressive increase of privileges so long as France hung as a menace in the snow-bound north. The lucky colonists were ridden with a loose rein and given their heads until a large section of them began to believe that their heads were their own.

* "Travels into North America," vol. i. p. 265.

† Dean Tucker said that British sovereignty in the colonies was gone as soon as the French were removed, and that the Revolution was a contest to recover it. "The True Interest of Great Britain set forth," p. 12, London, 1774; Cartwright's "American Independence the Interest and Glory of Great Britain," pp. 90, 91; "The Constitutional Right of the Legislature of Great Britain to tax the British Colonies," p. 8, London, 1768; "Letters of James Murray, Loyalist," p. 154; Franklin, Works, Bigelow edition, vol. iii. p. 144.

The colonists, however, needed the assistance of England's army and navy to withstand France. They detested the thought of becoming colonies of the great celtic and Roman Catholic power; and they were willing to hold in check their desire for extreme privileges, or anything like independence, until France was removed from the continent. Thus France occupied the peculiar position of encouraging our independent spirit and at the same time checking its extreme development.

When the great event of her removal was accomplished; when the superb organizing genius of William Pitt had carried to a successful termination the long war lasting from 1654 to 1763, a totally new condition of affairs arose. Canada being conquered and England in possession of it, the colonies and England suddenly found themselves glaring at each other. Each began to pursue her real purpose more directly. England undertook to establish her sovereignty, abolish abuses, or, as she expressed it at that time, to remodel the colonies. The patriotic party among the colonists resisted the remodelling, sought to retain all their old privileges, and even to acquire new ones.*

* The change in the situation was quickly seen by the people of that time.

"No sooner were the French kites and the Indian vultures scared away than they (the colonists) began to strut and to claim an independent property to the dunghill. Their fear and their natural affection forsook them at one and the same time."—"The Justice and Necessity of taxing the American Colonies," p. 7, London, 1766.

"Ever since the reduction of Canada," wrote one of the ablest of the loyalist pamphleteers, "we have been bloated with a vain opinion of our own importance."—"A Friendly Address to all Reasonable Americans," p. 25, New York, 1774. See, also, "Strictures upon the Declaration of the Congress;" "Observations on the American Revolution," published by order of Congress, 1779. This document argues that the colonies were semi-independent states under a protectorate from Great Britain to save them from France.

II

SMUGGLING, RIOTING, AND REVOLT AGAINST CONTROL

ONE of the greatest irregularities in the colonies, the most conspicuous rejection of British authority, was purposely omitted from the previous chapter, because it deserves to be treated separately, and because it was the first irregularity which England attempted to remedy as soon as France was out of the way.

There were a number of laws on the English statute-books known as the navigation laws and the laws of trade. They constituted a great protective system of penalties, tariffs, and duties, designed to build up the shipping, the trade, the commerce, and the manufacturing interests of Great Britain and the colonies. They were to protect the colonies from foreign traders and foreign interference, and to unite them closely with the mother-country in bonds of wealth and prosperity against all the rest of the world.

In the commercial competition in which England was involved with Holland, France, and Spain it was thought important to prevent those nations from trading with the British colonies. If England permitted those nations to trade with her colonies, her reason for protecting and governing them was defeated; it would be hardly worth while to have colonies.

Each nation at that time kept, or tried to keep, its colonial trade exclusively for itself. To accomplish this for England was one of the objects of the trade and navigation laws. Another guiding principle that ran through them was, that the profits of trade should be shared between the colonies and the mother-

country. The colonies must not monopolize any department of trade. Still another principle was that the colonies should confine themselves chiefly to the production of raw materials and buy their manufactured goods from England.

We find the beginning of these laws in the earliest period of the English colonies. The first important product from the colonies was tobacco from Virginia; and the king, who could at that time, without the aid of Parliament, impose duties and taxes, put a heavy duty on this tobacco. The Virginians accordingly sent all their tobacco to Holland.

This simple instance shows both the cause and the principle of all these navigation laws. If Holland, England's rival in commerce, was to reap all the advantage of Virginia's existence, of what value to England was Virginia? So the king ordered that no tobacco or other product of the colonies should be carried to a foreign port until it had been first landed in England and the duties paid.

This regulation was not merely for the revenue from the duties, but for the advantage of English tobacco merchants, and to prevent Holland trading with Virginia and establishing a connection there. Soon afterwards, in 1651, Cromwell's Parliament took the next step, and an obvious one, by prohibiting the ships of all foreign nations from trading with the colonies. This was part of Cromwell's vigorous and successful foreign policy, one of the methods he employed for building up the power of England. It was intended to keep for England all her colonial trade and encourage her ship-builders, ship-owners, merchants, and manufacturers by the same method other nations pursued.

Cromwell was of the same dissenting religion as a great many of the American colonists. He favored the colonists,

and was generally regarded by them as a great prototype of liberty. But his Parliament passed the first navigation law; and the colonists were often reminded of this when, during the Revolution, some of them argued so strenuously and violently against those laws.

In 1660, when the commonwealth period of Cromwell closed and monarchy was restored in England, the famous navigation act was passed, carrying the protective system still farther:

1. No goods were to be carried from the colonies except in English- or colonial-built ships of which the master and three-fourths of the sailors were English subjects.

2. Foreigners could not be merchants or factors in the colonies.

3. No goods of the growth, production, or manufacture of Africa, Asia, or America could be carried to England in any but English or colonial ships. And such goods must be brought direct from the places where they were usually produced.

4. Oil, whale-fins, fish, etc., usually produced or caught by English subjects, must, when brought into England by foreigners, pay double alien customs.

5. The English coasting trade was confined exclusively to English ships.

The colonists never objected to these provisions, because most of them favored the colonists as much as they favored England. They built up and encouraged colonial shipping. The provisions relating to the coasting trade we ourselves adopted as soon as we became a nation; and we still confine our coasting trade to our own vessels. We also, in 1816 and afterwards, passed navigation acts somewhat similar in their provisions to these clauses of the English act which have been cited. There is no question that these and similar protective provisions assisted in building up

to increase the power of England and the prosperity of its colonies.

But there was a clause in the navigation act of 1660 which did not please the colonists. It provided that no sugar, tobacco, cotton, indigo, ginger, fustic, or other dye-wood should be carried from the colonies to any port on the continent of Europe. Such commodities must be carried only to England or to English colonies. The reason for this provision was, that if the colonists sold their commodities on the continent of Europe they would reap all the profits of the sale and the mother-country would get nothing. It seemed fairer that these articles should be taken to England and sold to English merchants, who might then resell at a profit to continental merchants. Thus the profits would be shared by the mother-country and the colonies, instead of the colonies getting them all.

These colonial commodities which could not be carried to continental Europe became known in history as the enumerated articles.* Judged from the point of view of the times, there was nothing harsh or tyrannical in this provision. But the colonists, having ships of their own, very naturally wanted to trade directly with the continent of Europe. They wanted all the profits for themselves. They wanted full control of all the natural advantages of the separate country in which they lived, and in this respect they were not unlike the rest of the world.

Accordingly this regulation about trading with the continent of Europe was disobeyed, or, if conformed to at all, it was to such a slight extent that it was practically a dead letter. The colonists repealed it as though they

* In 1704 molasses and the rice of South Carolina were added to the enumerated articles. In 1730 rice was allowed to be carried to European ports south of Cape Finisterre.

had had a parliament of their own for the purpose; and while France held Canada they could do so with impunity.

In 1663 another act was passed, to parts of which the colonists had no objection. They certainly approved of that clause which prohibited tobacco-planting in England, and complained that the weed was still cultivated there in spite of a previous act prohibiting its culture. The object of this act was to favor the Virginia and Maryland tobacco-planters. In consideration for sending all their tobacco to England they were to have the exclusive monopoly of tobacco-planting. The great object of the trade laws was to bind together by reciprocal favors the colonies and the mother-country as a unit against all of England's rivals.

But one of the clauses of the act of 1663 forbade any commodities of Europe to be taken to the colonies except in English-built ships and from English ports.* This was to compel the colonies to buy their manufactured goods and articles of luxury from England. Why should the colonists enrich the merchants of France, Holland, and Spain? Why not enrich the merchants of England?

This regulation displeased the colonists, and they disobeyed it. They wilfully and wickedly carried the enumerated articles to Europe, and on the return voyage they brought back European products in their own ships and without obtaining them at English ports or from English merchants. Many a cargo of manufactured articles from France or Holland, and of wine, oil, and fruit from Portugal, and many a cargo of the famous cheap Holland tea, snugly packed in molasses hogsheads, did our

* The act allowed certain exceptions,—salt for the New England fisheries, wine from Madeira and the Azores, servants and horses from Scotland and Ireland.

vessels "run," as it was called, to the American coast, to the great damage and underselling of British merchants, and to the great profit of the natural enemies of Great Britain in France, Spain, and Holland.

If we could raise from the mud, into which she finally sank, any one of our ancestors' curiously rigged ships, with her high-turreted stern, her queer little mast out on the bowsprit, her lateen sail, and all the contrivances which made her only a slight advance on the old "Mayflower," which brought such vast cargoes of ancestors and old china to Massachusetts, we would be tolerably safe in labelling her "Smuggler." Most of our ships were engaged in that profitable business.

The desire to share profits with "dear old England" was not very ardent. In 1676 Edward Randolph was sent out to Massachusetts as an agent to look into its condition. He reported the navigation laws unexecuted and smuggling so universal that commerce was free; and the governor of Massachusetts, he said, "would make the world believe they were a free state."

He returned in 1680 as collector of customs, and tried to enforce the navigation laws. The notice of his appointment was torn down, and the assembly created a custom-office of its own, so as to supersede him and administer the navigation laws in the Massachusetts manner. When he attempted to seize vessels he was overwhelmed with law-suits. The people were against him, and he returned to England disgusted.*

* Palfrey, "New England," vol. iii. pp. 284–375; Randolph's Report, Hutchinson Papers, published by Prince Society, vol. ii.; Andros Tracts, vol. iii.; Lossing, "Cyclopædia of United States History," pp. 957, 1182.

There was an act of 1696 requiring the trade between England and colonies to be carried in English- or colonial-built ships; but to the colonists of course had no objection.

In 1733 another trade act was passed, which levied duties on spirits, sugar, and molasses imported to the colonies from any of the French or Spanish West Indies. This, as the preamble of the act explained, was to protect the English sugar islands from competition with the French and Spanish sugar islands, as well as to give the mother-country a share in this trade. But the colonists found the trade so profitable that they preferred to have it for themselves without any tax or duties. They carried many of their products to the French and Spanish islands, making a good exchange for the spirits and sugar, and bringing back gold and silver money which they needed in buying supplies from England and in decreasing the amount of paper money they were obliged to issue. The act of 1733, levying duties on this trade, was a subject of much discussion during the early stages of the Revolution, and was usually spoken of as the "old molasses act," to distinguish it from a sort of supplement to it passed in 1764, called the "sugar act." Our people made a dead letter of it, as they did of all the others that interfered with their purposes.

It is hardly worth while to discuss what has sometimes been called the excessive restraint or tyranny of these trade laws, because the American colonists promptly disposed of any element of severity there was in them, by disobeying them. These laws were generally regarded by Adam Smith, and other political writers as much less restrictive than similar laws of other countries.* The trade of all the Spanish colonies was confined by law to Spain; the trade of the Brazils to Portugal; the trade of Martinico and other French colonies to France; the trade of Curaçoa and Surinam to Holland. There was only one exception, and

* See, also, "The Interests of the Merchants and Manufacturers of Great Britain in the Present Contest," London, 1774.

and was a free trade at St. Eustatius, which Holland allowed to all the world; and through that island a large part of the American smuggling was conducted.

The system, long since outworn and abandoned, was generally believed to be particularly fair and liberal, because it was normal; because, while the colonies were compelled to trade exclusively with the mother-country, the mother-country, besides protecting them with her army and fleet, was compelled to trade with the colonies. The British merchants were as closely bound to buy their raw material only from the colonies as the colonies were bound to buy manufactured goods only from the British merchants. The people of Great Britain, as we have seen, were not allowed to raise tobacco or buy it anywhere except in Maryland and Virginia.

The colonists were paid bounties on all the naval stores, hemp, flax, and lumber, which they produced; and the large sums thus paid to them were considered as fully offsetting any inconveniences they might suffer from restrictions on their trade. South Carolina had a bounty on indigo, and could carry her rice to all European ports south of Cape Finisterre. The laws which prohibited the colonies from importing directly from Europe were mitigated by a system of drawbacks on the duties. Their great staples of grain, lumber, salt provisions, fish, sugar, and rum they were allowed to carry to any part of the world, provided they took them in their own or in British-built ships of which the owners and three-fourths of the crew were British subjects. The British West India colonies were compelled to buy their provisions and lumber from the American continental colonies. That colonies which had cost such a vast and long-continued expenditure of blood and treasure should be closely bound to the mother-country in trade, should take part in a system

which would at the same time enrich the mother-country and themselves, seemed to most Europeans natural and right.

The Americans were prohibited from manufacturing. They could mine ore and turn it into iron; but they were not allowed to manufacture the iron into steel, tools, or weapons. They were prohibited also from cloth manufacturing and similar industries. But they paid little or no attention to these laws. They were not very strongly drawn to domestic manufacturing at that time, because they saw their greatest field of profit on the ocean, in trade, in whaling, and in the fisheries of the Grand Banks. But to such moderate manufacturing as their hearts inclined they turned openly and without even a wink at the royal governors.*

In theory and by law a colony must share with England the profits its own ships might earn; it was prohibited from making nails, hatchets, and guns out of the iron dug from its own soil, or making coats out of the wool of its own sheep, or hats from the fur of the beaver that lived on its streams; a colonist could not give an orange to his sick friend unless that orange had made the voyage from Portugal by touching at an English port and passing through the hands of an English merchant. But none of these regulations could be enforced; or at best were only partially enforced. If England had had sufficient authority and power to enforce them from the beginning, we might have been a milder people, like the Canadians, with no revolution, with less inventive genius, and without our self-reliant, aggressive, or, as some would call them, disorderly qualities.

* "The Interests of the Merchants and Manufacturers of Great Britain in the Present Contest," p. 22, *et seq.*, London, 1774; Pennsylvania Magazine of History, vol. vii. p. 197.

The smuggling we indulged in so universally was not a daring occupation. A vessel would enter her cargo as salt or ballast, or would pay duty on part, give hush money or some goods to the customs officials, and "run" the rest;* and the officials seem to have been easy to deal with in this way. They no doubt felt that their wages were so low that they would starve to death if not assisted by kind captains and merchants. Their presents were not always money. They were given parts of the cargo; often choice boxes of wines and fruits from Spain and the Mediterranean, so beautiful and luscious that it seemed impossible they could contaminate.

The moral aspect of the situation was not allowed to pass unchallenged. We find a pamphlet† written, as is supposed, by John Dickinson of Philadelphia, implying that nearly all merchants were habitual custom-house perjurers, or procured others to commit perjury, and that such a system was ruining the morals of the country. In our time a reform club would have been organized to deal with the question.

In spite of the long series of trade and navigation laws, filling so many pages of her statute-books, the revenue received from us by England was only £1000 or £2000 per year and it cost £7000 or £8000 to collect it. In the French War it was discovered that the New England merchants were regularly supplying the French fleets and garrisons with provisions under flags of truce to exchange

* Hutchinson's letter to Richard Jackson, September, 1763; Ryerson's "Loyalists," vol. i. p. 276; Board of Trade Papers, Pennsylvania Historical Society, vol. ii. B. 34, 619; Rhode Island Colonial Records, vol. vi. 428–430; "Letters to the Ministry and Memorials to the Lords of the Treasury from Commissioners of Customs," pp. 115–120.

† "Observations on the Late Popular Measures," Philadelphia,

prisoners. In the hope of preventing such scandals, and of repressing smuggling, the practice of issuing writs of assistance, as they were called, was adopted by the British officials in America. These writs empowered an officer to search generally for smuggled goods, without specifying under oath a particular house or particular goods. Such writs were allowable under English law, but contrary to the principle adopted by Americans that general writs authorizing an officer to go into any house he pleased should never be issued. A test case was made of them in Massachusetts, and James Otis delivered against them a most famous argument, which in a rhetorical and exaggerated sense was described by John Adams as the birth of the American Revolution.

The colonies did pretty much as they pleased for over a hundred years. Their ships sailed in every sea, making of the colonists daring, hardy sailors, and giving them a contempt for the acts of Parliament which they had violated for generations. They were men who won careers from rugged nature, who therefore believed in themselves; who were conceited, pushing, lanky, gaunt, unpleasant, and ludicrous in English eyes; but the same men whom the eloquent Irishman, Burke, delighted to describe, as pursuing the whales among the tumbling mountains of Arctic ice, or following the same dangerous game beneath the frozen serpent of the south.

What else had the colonists but their ships and their farms? Those were their two principal occupations. They ploughed either the sea or the land; and are not those the rough pursuits of angular, independent, vigorous, self-willed men, dexterous with tools and weapons, but very awkward in manners.

Viewed from this stand-point, and setting aside for the moment that part of the population which was aristocratic,

loyal, or lived on government salaries, the colonies were merely a long straggling line of settlements, scarcely two hundred miles wide, containing about two million white men and eight hundred thousand slaves, extending along the sea-coast from Maine to Georgia,—fishermen, farmers, sailors, and traders. Their ships seemed everything to them, because their ships seemed to give a large part of the value to their farms.

When, therefore, the British government, after the French War was over, resolved on more regular and systematic control, when revenue-cutters became more numerous, when the customs officials were stiffened for their duty and struck at what the colonists called "free trade," and what in England was called the infamous crime of smuggling, it seemed to many of the colonists a terrible thing.

The blow that irritated them most of all was struck at their trade with the French and Spanish West Indies, the trade which, as we have seen, had been prohibited by the "old molasses act" of 1734. They had evaded it for thirty years. But now in this famous year 1764, with France out of the way, and the reorganization of the colonies resolved upon, instructions were sent to men-of-war and revenue-cutters to enforce the laws against the Spanish and French trade, and a new navigation act was passed which the colonists usually spoke of as the "sugar act."

It reduced by one-half the duties which had been imposed on sugar and molasses by the "old molasses act" of 1734. This reduction, like so many other parts of the system, was intended as a favor to the colonists and a compensation for restrictions in other matters. But as the colonists, by wholesale smuggling, had been bringing in sugar and molasses free, they did not appreciate this favor

of half-duties which were to be actually enforced. The act also imposed duties on coffee, pimento, French and East India goods, and wines from Madeira and the Azores which hitherto had been free. It also added iron and lumber to the "enumerated articles" which could be exported only to England; and it reinforced the powers of the admiralty courts which could try the smuggling and law-breaking colonists without a jury.

This "sugar act" of 1764 required the duties to be paid in specie into the treasury in London; and this the colonial merchants bitterly complained of, because it would drain them of specie and force them to paper money acts to supply a currency in place of the specie; and at the same time Parliament passed another act to further restrain the paper currency of the colonies. England was evidently very much in earnest.

From the English point of view the "old molasses act" and the "sugar act" were necessary to protect the English sugar islands from French and Spanish competition; were, in fact, part of the great system of protection for all parts of the empire; the system of give and take, by which inconveniences suffered by one locality for the sake of another were compensated by bounties or special privileges in some other department of trade.

The attempt to enforce the "sugar act" and the old trade laws aroused much indignation among a large number of the colonists. Loyalists afterwards said that the indignation was confined to the smuggling merchants and some radical and rabid dissenters. The indignant ones, however, made themselves very conspicuous, for they combined to protect and conceal smuggling, and at times they broke out into mob violence and outrage which made Englishmen stare. When the officials occasionally succeeded in seizing a smuggled cargo it was apt to be rescued by

violence which was actual warfare, but into which the perpetrators entered not only without hesitation, but with zeal, energy, and righteous indignation, as if they were performing a public duty and a perfectly lawful act.

The English regarded these proceedings as a riotous and unlawful rebellion against legitimate authority. The colonists were being driven crazy, it was reported, by certain books about the rights of man, books written by men called Burlamaqui, Beccaria, Montesquieu, Grotius, and Puffendorf, which told them that all men were politically equal and entitled to self-government; and the Englishman, John Locke, who was exiled and driven from Great Britain, had written a mad book to the same effect.

The customs regulations became more elaborate. A board of commissioners of customs was created in 1767, for enforcing the revenue laws and the laws of trade and navigation, and instituting a general reform in America. In the fleet on the American coast, each captain had to take the custom-house oaths, and be commissioned as a custom-house official to assist in the good work. The admiral of the fleet became, in effect, the head of a corps of revenue officers; and, to stimulate the zeal of his officers, they were to receive large rewards from all forfeited property. Some of the captains even went so far as to buy on their own account small vessels, which they sent, disguised as coasters, into the bays and shoal waters to collect evidence and make seizures.*

But a people who had been left so long to themselves were not easy to bring under the discipline of a more methodical government. The new commissioners of cus-

* "Observations on the Several Acts of Parliament, etc.," p. 17, on, 1769.

toms sent out more than twenty fresh cutters and armed vessels to cruise for smugglers. But they rarely made a seizure; and the colonists laughed in their bucolic way, and said that it was like burning a barn to roast an egg.*

It had been the practice in America ever since 1670 to try all smuggling and revenue cases in the admiralty courts, which acted without a jury, because it was found that no American jury would convict a smuggler. The acts which were now passed to improve administration in the colonies, and even the Stamp Act, provided that their provisions should be enforced in admiralty. Vice-admiralty courts were established and various regulations were made to increase their efficiency and encourage the judges. This seemed entirely justifiable to the ministry, because penalties under the revenue laws had long been recoverable in admiralty, and in England stamp duties were recoverable before two justices of the peace without a jury.†

To many of the colonists it seemed as if these courts without juries would soon extend their power from their proper sphere of the seaports into the "body of the country," as it was called. They raised the alarm that Britain was depriving her colonies of the right of trial by jury; that she intended to cut off trial by jury more and more; and in the Declaration of Independence this is enumerated as one of the reasons for breaking up the empire.

It is interesting to remember in this connection that by act of Parliament the British government can at any

* Jared Ingersoll, "Letters Relating to the Stamp Act," New Haven, 1766.

† Tucker, "True Interest of Great Britain set forth," London, 1774; "Correct Copies of Two Protests against the Bill to Repeal the American Stamp Act," p. 17, London, 1766; "The Conduct of the Late Administration," etc., pp. 12, 18, London, 1767.

[illegible] withdrew trial by jury from Ireland, and in the [illegible] withdrew it by proclamation in nine Irish [illegible] Great Britain began the conquest and pacification of Ireland seven hundred years ago, but the Irish [illegible] yet submissive and British sovereignty is not yet [illegible].

The colonists also complained because the officers of the [illegible] were paid out of the proceeds of fines, of which the informers got half. In some instances the governors of provinces were rewarded out of the fines and confiscations for the sake of encouraging them to greater diligence in executing the laws.

To Englishmen who reflected on the smuggling and piracy, the thousands of convicts transported to the colonies, the thousands of fierce red Indians by whom the colonists must be influenced, and the million black slaves [illegible] the withholding from such people of the right of trial by jury, or even of the right of self-government, seemed a small matter.

At the close of that famous year 1764 the ministry and Parliament were inclined to congratulate themselves on having done a good deal towards remedying the disorders in America. At the opening of the next session of Parliament in 1765, the king reminded them that the colonial question was simply "obedience to the laws and respect for the legislative authority of the kingdom," and Parliament in reply declared that they intended to proceed "with that temper and firmness which will best conciliate and insure due submission to the laws and reverence for the legislative authority of Great Britain."

We find the pamphleteers in England recommending stronger measures. These rascals, they said, will forever smuggle and complain, complain and smuggle, and call every restraint a badge of slavery. Their long stretch of

fifteen hundred miles of sea-coast need be no protection to them. The two thousand miles of sea-coast of Great Britain and Ireland does not prevent unlawful traders from meeting with the punishment they deserve. Therefore double the number of custom-houses and of sloops of war, and pursue every vigorous measure to compel these lawless Americans to learn that while they live in society they must submit to law.

The new Board of Commissioners of Customs had made its head-quarters in Boston, a significant event, followed by a long train of the most important historical circumstances. Boston seemed to be the worst place in America. It had always been so. It needed curbing. Massachusetts was the only colony which had persistently, from her foundation, shown a disloyal spirit to the English government and the English church. Her people seemed to be naturally riotous.

When the sloop "Liberty" was seized for violating the laws of trade the patriot party of Boston rescued her smuggled cargo and smashed the windows of the houses in which lived the collector, comptroller, and inspector of customs, and these unfortunate gentlemen narrowly escaped with their lives. The mob dragged the collector's boat through the town and burnt it on the common. The customs officials had to take refuge on the British man-of-war "Romney."

The proceedings to stop smuggling were carried on from 1764 for a period of eight or ten years, and were contemporaneous with other events relating to the Stamp Act and other taxing laws which are more conspicuous in our histories. It is somewhat difficult to tell how far the repression of smuggling was successful, because the colonists laughed at the revenue cutters and men-of-war as failures, and at the same time complained that they were being

ruined by the stoppage of their old "free trade." It seems to be true that the naval and customs officers made very few seizures; but at the same time the fear of seizure and the presence of the men-of-war may at first have stopped a great deal of the smuggling. The island of Jamaica complained of much loss. Exactly what were the losses among ourselves cannot now be known.

It seems that the smuggling soon got under way again, and was as bad as ever. Our people also formed associations pledging the members to cease importing manufactured goods from England, to cease wearing English clothing, and to violate the act against manufacturing by at once starting manufacturing of all kinds among themselves. Every one appeared in homespun. The promptness with which all this was done is striking. One might suppose that England was already a foreign country. Before that year 1764 was closed the consumption of British merchandise had diminished by thousands of pounds.

When the year 1774 was reached the mobs and tar-and-feather parties had driven so many British officials from office that all attempts to check smuggling and enforce the trade laws were necessarily abandoned until the army could restore authority. Those old laws can still be read in their places in the English Statutes at Large; and, in truth, those clauses of them which the colonists disliked were from the beginning almost as dead as they are now.

III

PARLIAMENT PASSES A STAMP TAX AND REPEALS IT

AT the same time that the British government started to put down smuggling in 1764 it also prepared a new system of taxation for the colonies as part of the remodelling which seemed to be necessary. In fact, the "sugar act," passed on March 10 of that year, was a taxing act, and declared in its preamble that it was intended to raise a revenue from the colonies to defray the expenses of protecting and governing them.

This taxation of the colonies was not a new idea. They had always been taxed, especially during the wars with France. There was a regular system by which the British Secretary of State made a requisition on the colonies through the colonial governors, stating the quota of money or supplies required from each. Each colonial assembly thereupon began a long wrangle with its governor, and usually ended by voting the supply or part of it, which was collected from the people by taxation.

It was a voluntary system, for sometimes a colony would grant no supply at all. It was, in short, the old feudal aid system, the system in which all taxation in England had originated. Taxation was originally not a self-acting system of compulsion. Taxes were gifts, grants, or aids, which the people, or their feudal lords, or Parliament as representing the people, granted to the king at irregular intervals to assist the government in wars or other undertakings; or, as Mr. Stubbs puts it, "the tax-

payers made a voluntary offering to relieve the wants of the ruler." *

This voluntary system had long since ceased in England, and the modern, annual, self-acting system prevailed both there and also in the local taxation of the colonies. The taxation proposed in 1764 was taxation by the modern system. It was not a new or sudden thought. It had been suggested in 1713 when Harley was at the head of the treasury, and again at the opening of the Seven Years' War. It had also been advocated in the early part of the century by Governor Keith, of Pennsylvania, who was also one of those who foresaw the leaning of some of the colonists towards independence, and thought that such a spirit should be nipped in the bud. Colonial taxation had for a long time been an obvious measure, and might have been tried much sooner if France had not been in Canada.

Looked at in the light of all the circumstances it was not necessarily an evil or tyrannical measure. If we once admit that the colonial status is not an improper one, and that it is no infringement of natural or political rights for a nation to have dependencies or subject peoples, taxing them in a moderate and fair way seems to follow as a matter of course. England still levies indirect taxes on India and the crown colonies, and occasionally a charge similar to a direct tax, as in the case of colonial lighthouses.†

England was generally believed to be bankrupt, groaning under the vast debt of over £148,000,000, which had been heaped up by the war she had just waged to save the colonies from the clutches of France. It was a heavy debt for a country of barely eight million people. The colonies

* "Constitutional History of England," edition of 1875, vol. i. p. 577.
† Jenkyns, "British Rule and Jurisdiction beyond the Seas," pp. 10, 11.

had no taxes, except the very light ones which they levied on themselves by their own legislative assemblies. But the people in England suffered under very heavy and burdensome taxes on all sorts of articles, including the wheels on their wagons, the panes of glass in their houses, and other things which involved prying and irritating investigations. All this was to help pay for that great war, and why should not the colonies be called upon for their share? While the war was being carried on they had been taxed in the old way, and, on requisition from the home government, had voted in their legislative assemblies supplies of money, men, and provisions. Now that peace was declared, why should they not help to pay the war debt, by the modern, more orderly, and regular system?

The colonists were very much attached to the old voluntary system. They took the greatest delight in it; for whenever a governor announced that he had been instructed to obtain a certain quota, the legislature had a chance to worry him and strike a bargain for his consent to some of their favorite measures. But the delays caused by this wrangling were very exasperating to generals in the field during the French War, and also to the home government.

Besides this uncertainty and delay, it seemed to Englishmen that the voluntary system was very unequal and unfair. Some colonies, like Pennsylvania and Massachusetts, gave large supplies; and others, like New Jersey, Maryland, or Georgia, gave little or none at all, and this raised jealousies, bickerings, and quarrels.

But the colonists, knowing that in the long run they always got the better of the governors, would not admit the validity of any such objections. When modern taxation was suggested, they would blandly inquire what could be better than the old voluntary system? They would dilate

ourselves during the Civil War and again at the time of the war with Spain. It is unquestionably the fairest, most equally distributed, and easiest to collect of all forms of taxes. Scarcely any one in England seems to have had any doubt as to the right of Parliament to levy such a tax, an internal one, so-called, on the colonies.

But the colonists who had defied navigation laws and ruled themselves almost independently for over a hundred years, could not accept such a tax. News of the passage of the act seems to have reached this country in May. Virginia immediately led the way in passing resolutions of protest, and it was in speaking on these resolutions that Patrick Henry made his famous treasonable speech,—"Cæsar had his Brutus, Charles I. his Cromwell, and George III.—may profit by their example."

The assemblies of the other colonies quickly followed with similar resolutions. These resolutions, taken as a whole, protest against the extension of the power of the admiralty courts as well as against the Stamp Act. They all argue the question somewhat; and base themselves on the position that Parliament had never before taxed the colonies in internal matters, and that internal taxation was therefore the exclusive province of the colonial legislatures. They admit that Parliament can tax them externally, or, as they put it, regulate their commerce by levying duties on it, and regulate them, as in fact it always had done, in all internal matters, except this one of internal taxes.

This position was very weak, because it admitted the right to regulate all their internal affairs except one; and the distinction it raised between external and internal taxes was altogether absurd. There was no real or substantial difference between external and internal taxes; between taxes levied at a seaport and taxes levied throughout the country. The colonists afterwards saw this weakness and

changed their ground. But this supposed distinction between external and internal taxes was good enough to begin with; and the Revolution, during the seventeen years of its active progress, was largely a question of the evolution of opinion.

During that summer of 1765, while the assemblies of the different colonies were passing resolutions of protest, the mobs of the patriot party were protesting in another way. It certainly amazed Englishmen to read that the mob in Boston, not content with hanging in effigy the proposed stamp distributers, levelled the office of one of them to the ground and smashed the windows and furniture of his private house; that they destroyed the papers and records of the court of admiralty, sacked the house of the comptroller of customs, and drank themselves drunk with his wines; and, finally, actually proceeded to the house of Lieutenant-Governor Hutchinson, who was compelled to flee to save his life. They completely gutted his house, stamped upon the chairs and mahogany tables until they were wrecked, smashed the large, gilt-framed pictures, and tore up all the fruit-trees in his garden. Governor Hutchinson was a native of the province, was its historian, and with his library perished many invaluable historical manuscripts which he had been thirty years collecting. The mob cut open the beds and let the feathers out, which they scattered with his clothes, linen, smashed furniture, and pictures in the street.*

That this outrage had been incited the day before by the preaching of the Rev. Dr. Mayhew, a Puritan divine, did

* New England Historical and Genealogical Register, vol. xxxii. p. 268; Hutchinson, "Massachusetts," vol. iii. pp. 122–127; Massachusetts Archives, vol. xxvi. p. 148; Boston Gazette, August 19, September 2, 1765; Hutchinson's Correspondence, vol. ii. p. 148; "Letters of James Murray, Loyalist," p. 258.

could in a similar way have maintained representatives in Parliament.

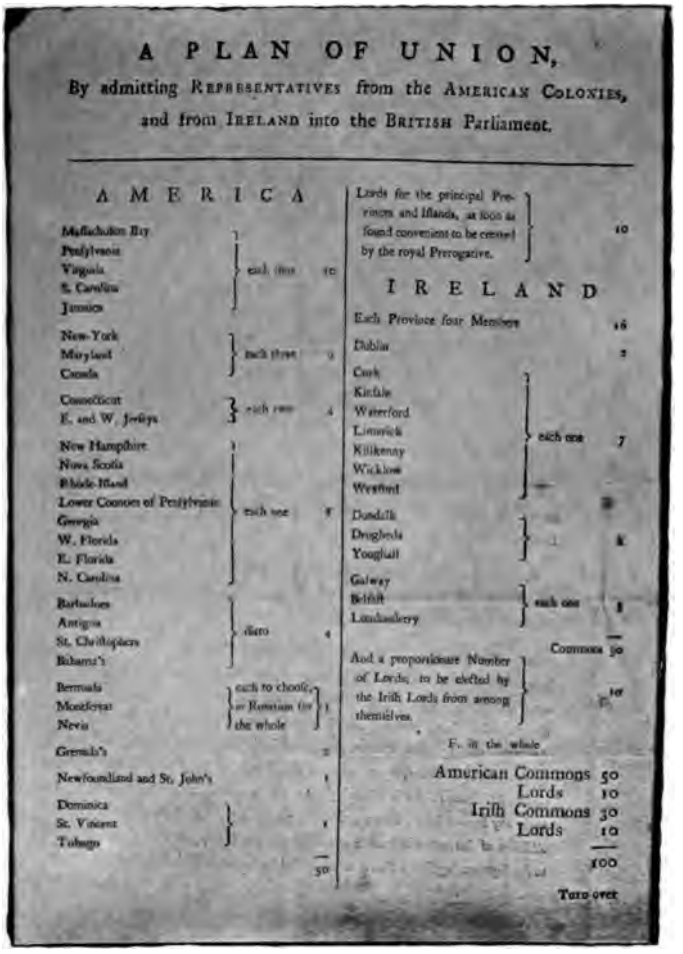
Governor Bernard, of Massachusetts, tells us, in his "Select Letters," that at first the colonists were willing to be represented in Parliament, and made their argument in the alternative that if they were to be taxed internally they must be represented; but fearing that representation might be allowed them, and that they would be irretrievably bound by any measure passed by Parliament, they quickly shifted to the position that representation was impossible, and therefore internal taxation constitutionally impossible.

The documents of the colonists do not express a willingness to be represented, although there are expressions used from which such a willingness might possibly be inferred. They may, however, have expressed such willingness in conversation; but after the time of the Stamp Act Congress all their published statements cling tightly to the impossibility of representation.

This was regarded by many as a sure sign of the determination of the rebel party to break from England in the end, and an evidence of the insincerity of their professions of loyalty. Raynal, the French writer, in his "Philosophical and Political History of the European Settlements in America," advised them never to yield on this impossibility of representation, for if once they were represented, the rest of Parliament could easily outvote them, their liberties would be gone, and their fetters permanently forged upon them.*

The Stamp Act Congress admitted that the colonists owed allegiance to the British crown; and they also said

* Extracts from Raynal's book were widely circulated in a pamphlet called "The Sentiments of a Foreigner on the Disputes of Great Britain with America." See, also, Cartwright's "American Independence, the Interest and Glory of Great Britain," p. 50.



A PLAN OF UNION,

By admitting REPRESENTATIVES from the AMERICAN COLONIES, and from IRELAND into the BRITISH Parliament.

AMERICA

Maſſachuſets Bay Penſylvania Virginia S. Carolina Jamaica	each three	15
New-York Maryland Canada	each three	9
Connecticut E. and W. Jerſeys	each two	4
New Hampſhire Nova Scotia Rhode-Iland Lower Counties of Penſylvania Georgia W. Florida E. Florida N. Carolina	each one	8
Barbadoes Antigua St. Chriſtophers Bahama's	ditto	4
Bermuda Montſerrat Nevis	each to chooſe, or Remain for the whole	1
Grenada's		2
Newfoundland and St. John's		1
Dominica St. Vincent Tobago		1
		50

Lords for the principal Provinces and Iſlands, as ſoon as found convenient to be created by the royal Prerogative. — 10

IRELAND

Each Province four Members		16
Dublin		2
Cork Kinſale Waterford Limerick Kilkenny Wicklow Weſtford	each one	7
Dundalk Drogheda Youghall		3
Galway Belfaſt Londonderry	each one	3
	Commons	50
And a proportionate Number of Lords, to be elected by the Iriſh Lords from among themſelves.		10

N. B. In the whole

American Commons	50
Lords	10
Iriſh Commons	30
Lords	10
	100

Turn over

A PLAN FOR REPRESENTATION IN PARLIAMENT OF ALL THE COLONIES, INCLUDING IRELAND AND THE WEST INDIES.—See Franklin's Works, Bigelow edition, vol. iv. p. 3

that they owed "all due subordination to that august body, the Parliament of Great Britain." Parliament, therefore, had full authority over them, could tax their commerce by duties at the seaports, and levy this duty on exports as well as on imports,—do everything, in short, except tax them internally.

But if the principle "no taxation without representation" were sound English constitutional law, why did the colonists admit that they could be taxed at their seaports without representation? A tax levied by Parliament on sugar, molasses, or other articles coming into the colonial seaports was paid by all the people of the province in the enhanced price of the goods. The duties on French and Spanish products, which had to be paid in specie, and drained specie out of the country, were a so-called external tax; but they drained specie out of the interior of the country as well as from the seaports. It was, as Lord Mansfield said, like a pebble thrown into a pond,—the circles from the splash would extend over the whole pond.

In fact, in the very nature of things there could be no tax that could properly be called an external one. Every tax was an internal tax, because any tax that could be conceived of had to be levied on people or property within the boundaries of the country. When once the tax-gatherer had entered the boundary, or taken private property for taxes just inside the boundary, at a seaport, it was as much internal taxation as though he were in the central town of the community.

"What a pother," said an Irish member of Parliament, "whether money is to be taken out of their coat pocket or out of their waistcoat pocket."

The colonists tried to keep up the distinction by saying that the duties on imports and exports were merely to regulate the commerce of the empire; the regulation of

the commerce was the main object, and the duties were merely incidental.

"The sea is yours," said Franklin, in his examination before Parliament; "you maintain by your fleets the safety of navigation in it, and keep it clear of pirates; you may have, therefore, a natural and equitable right to some toll or duty on merchandise carried through that part of your dominions, towards defraying the expense you are at in ships to maintain the safety of that carriage."

Franklin, however, had not much faith in the distinction, for when closely questioned he foretold that the colonists would change their ground, and deny all authority of Parliament, external as well as internal. When his cross-examiners pressed him with the absurdity of the distinction, and asked why the colonists should not also deny the right of external taxes, he replied,—

"They never have hitherto. Many arguments have been lately used here to show them that there is no difference, and that if you have no right to tax them internally, you have no right to tax them externally or make any other law to bind them. At present they do not reason so, but in time they may possibly be convinced by these arguments."

The principle of "no taxation without representation," which the Stamp Act Congress declined to use against taxes levied at seaports, but cited against other taxes, had always been familiar to the colonists. It had been appealed to on several occasions in the past hundred and fifty years, notably in Virginia and Massachusetts, against acts of the British government. Its fairness was obvious to all who believed in representative government and republicanism, but not at all obvious to those who rejected those methods. It was the outgrowth of the Reformation doctrines of the natural rights of man, of which we shall have much to say hereafter. It was an application of

the principle set forth in so many modern American documents, that no government can be just which does not rest on the consent of the governed. The "consent of the governed" doctrine was often expressed by the phrase, "No laws can be made or abrogated without the consent of the people or their representatives." Therefore taxing laws, like all other laws, must be by consent.

The colonists said that "no taxation without representation" was part of the British Constitution, one of the inalienable rights of Englishmen or Anglo-Saxons, as we would now put it. But so many things that particular persons want, or admire, are described in this way that we must be careful how we accept such statements.

The British Constitution is a very fluid, fluctuating body, made up of customs, decisions of courts, acts of Parliament, tacit understandings, or whatever the omnipotent Parliament shall decide. There have always been two parties in England, at times diametrically opposed to each other; so far apart in opinions that they might be separate nationalities or races, and yet each one insisting that its particular views are the true constitution. The English who came out to America were largely of one of these parties, which has been successively called roundhead, whig, or liberal. They have at times claimed as part of the British Constitution doctrines which were advocated by liberals in England, and which Americans also thought ought to be part of the British Constitution, but which were never fully accepted or adopted.

The Quakers, Baptists, and others at one time declared that religious liberty was part of the British Constitution, meaning that it ought to be a part, and that they would make it a part of the Constitution if they could. But it was not a part, because the very reverse had been practised for several hundred years, and had driven thousands

of these people to America, and it never became a part of the Constitution until made so by act of Parliament when William of Orange ascended the throne after the revolution of 1688.

"No taxation without representation" was never a part of the British Constitution, and is not a part of it even now. It could not be adopted without at the same time accepting the doctrine of government by consent, and that doctrine no nation with colonies could adopt, because it is a flat denial of the lawfulness of the colonial relation.*

"No taxation without representation" had often been advocated in England by liberals of different sorts, Puritans, Roundheads, and Whigs, who felt that they stood in need of it. The colonists thought that they had found two or three instances in which Parliament had partially recognized this doctrine. There were several old divisions of England, like the County Palatine of Chester, or the Principality of Wales, which in feudal times had been semi-independent. They were for a long time not taxed by Parliament, and when at last Parliament determined to tax them they were, the colonists said, given representation. The colonists clung to these instances and kept repeating them in all their pamphlets; but the instances were denied by some writers, and were certainly without avail in convincing Parliament and the vast majority of Englishmen.†

* "The Conduct of the Late Administration considered," p. 61, London, 1767. English writers pointed out that such a doctrine would destroy the British Constitution of that time and throw the country into anarchy and confusion. "The Constitutional Right of the Legislature of Great Britain to tax the British Colonies," p. 51, London, 1768.

† "The Rights of Great Britain asserted," p. 6, London, 1776; "Remarks on the Review of the Controversy between Great Britain and her Colonies," p. 85.

Englishmen easily replied that these one or two instances, even supposing them to be as the colonists stated, were accidental and amounted to nothing in the face of the long-continued practice and custom to the contrary. In the year 1765 scarcely any of the great towns in England had representatives in Parliament and yet they were taxed. London, Birmingham, Manchester, Liverpool, Leeds, and Halifax paid their taxes every year, and sent not a single member to Parliament. In fact, out of the eight million people in England there were not above three hundred thousand represented.*

Parliament was made up largely of rotten boroughs or pocket boroughs in the control of individuals or noblemen. Old Sarum had not a single inhabitant, and yet sent two members to Parliament. Representative government as the colonists understood and practised it in their local assemblies, or as we now understand it, had at that time no existence in England.

All this was wrong and a bad system, as we would say in America; but that is not the question. Parliament had slowly grown into that state from the old feudal customs; and that growth or that condition was the British Constitution of that day. There were a few, a very few, men in England who wanted it changed and the principle of no taxation without representation adopted. Lord Camden argued to this effect during the Stamp Act debates in a most interesting speech in the House of Lords. Lord Mansfield, a still greater legal luminary, argued on the opposite side. These two speeches are well worth reading by any one who is interested in the details of the subject.

* "The Right of the British Legislature to tax the American Colonies," London, 1774; "An Englishman's Answer to the Address from the Delegates to the People of Great Britain," etc., p. 8, New York, 1775.

Mansfield's side was, of course, successful. When the British Parliament announced, by the Declaratory Act of 1766, that they had the constitutional right to tax the colonies as they pleased, externally or internally, up or down, or in any other way, they were undoubtedly acting in accordance with the long settled constitutional custom, and that decision has never been reversed.*

The sum of the matter in regard to no taxation without representation is, that America, having been settled by the liberal, radical, and in most instances minority element of English politics, accepted, and England, being usually under the influence of the Tory element, rejected this much-discussed doctrine. We went our separate ways. Although we were of the same race as the people of England, the differences between us were as far-reaching and radical as though we were a totally different people, and the gulf was being steadily widened.

In arguing with the colonists, an Englishman would sometimes leave the firm ground of pure constitutional right, and say, you are already represented in Parliament more amply and fully represented than you could be in one of your own, and better protected than if you sent your own people to the Parliament that sits in London. There are always members there who take a special interest in you and protect all the rights to which you are entitled. William Pitt and Lord Camden, as well as Fox, Barré, Conway, Pownall, Dowdeswill, and Edmund Burke, fight your battles for you with an eloquence far beyond any your

* Younge, "Constitutional History of England," p. 72. The British Parliament has to-day the right to tax any of its colonies without representation. Parliament is omnipotent in this as in other respects, and has been so declared as late as 1865. "American Historical Review," vol. i. p. 87; Proceedings of the American Antiquarian Society, vol. vii. p. 181; Jenkyns, "British Rule and Jurisdiction beyond the Sea," p. 10.

ablest men possess; and it was by their defence of you that the Stamp Act and the paint, paper, and glass act were repealed.

There was a certain amount of force in this argument, especially to a mind that was inclined to loyalism. But the patriotic party replied that they wanted the protection of ascertained and fixed rights, so that they would not need the condescending protection of these so-called great men in Parliament who would not live forever or who might change their opinions.

The Englishman would then argue that the colonists were virtually represented in Parliament just as the vast majority of people in England were virtually represented. All the members of Parliament, although elected by an insignificant fraction of the people, were charged with the duty of legislating for those unrepresented, and caring for their interests, and had always done so. The seven million people who had no direct representation were nevertheless virtually represented by all the members of Parliament, and in the same way the colonists were virtually represented.

This was the only sort of representation which the majority of Englishmen recognized or understood, and they maintained it down into our own time. The American systematic representation by small districts, giving an approximately equal and thorough representation, was not only unrecognized but regarded as a mere radical and dangerous dream of philosophers and visionaries. The House of Lords represented all the nobility, the House of Commons represented all the commoners, and the colonists as commoners were therefore fully represented.

To this virtual representation the colonists had a very strong reply, because, as they pointed out, the unrepresented people in England were more or less intimately

represented people, and the laws had to be the same for all. Those members of Parliament who laid taxes on unrepresented Leeds and Manchester taxed themselves and their constituents at the same time. But when they taxed America they could and did lay a tax entirely different from those they put on themselves and their constituents.*

Yes, the Englishman would reply, and the difference has been that they put far lighter taxes on you than they place on themselves. England is overwhelmed with taxes on wagons, furniture, and every article a man can have, even to the panes of glass in his house. They propose nothing of that sort for you. They want from you only the lightest and most trifling taxes. The people of England pay twenty-five shillings per head in taxes. They ask from you only sixpence per head, although they have spent in support of your government and protection since 1700, without counting the cost of the war with France, £[illegible], of which over £1,500,000 was paid in bounties on your products.†

Richard Bland, of Virginia, published an interesting argument. It is true, he said, that nearly nine-tenths of the people in England are not represented. But how has that happened? By despotism and the alternation of the original laws of England. Among the old Anglo-Saxons, before the Normans came in, everything was equal and all the people were represented. If nine-tenths are now deprived of their rights, it is by a departure from the original

* "Considerations on the Propriety of imposing Taxes in the British Colonies," London, 1766. See, also, "Considerations on the Nature and Extent of the Legislative Authority of the British Parliament," Philadelphia.

† "The Rights of Great Britain asserted against the Claims of America," p. 80, London, 1776. Cobbett, "Parliamentary History," . xviii. p. 222.

Saxon purity, and that purity should be restored. Let us restore it in America, or rather keep it restored, for we have already restored it here, instead of imitating the oppression which has destroyed it in England.

The loyalists wanted the colonies to be directly represented in Parliament, and some of them argued that the only fair and proper way by which they could be represented would be by giving them representatives in proportion to their population, revenue, and growing power. As these were increasing every year, the representation would continually have to be enlarged; and, as America was greater in its size and resources than England, the colonies would before long have more representatives in Parliament than the British Isles; and the seat of power of the British empire would of necessity be removed to America.*

The object of this argument was to try to settle all disputes by a closer union with the mother-country instead of drawing away from her. They tried to show the patriots that in the end America would reap the principal advantage of a closer union. This was one of the points where they differed decidedly from the Tory party in England. While believing in the empire, and rejecting all attempts to break it by independence, they professed to believe enough in America to wish it equal rights with England, and a final merger that would bring the king

* The forecasts of the increase of population which those who used this argument made have been very nearly fulfilled. They estimated one hundred and twenty millions for the year 1924. We shall probably not reach that number at the present rate of increase, but we shall not be very far behind it. Other estimates which they gave were twenty-four millions in sixty years from 1774 and ninety-six millions in one hundred years. They based their estimates on the rate of increase in their own time, when the population doubled within thirty years; but this rate was not kept up.

and London society to live in Philadelphia, leaving England to become a dependency.

"When the numbers, power, and revenues of America exceed those of Britain a revolution of the seat of empire will surely take place. . . . Should the Georges in regular succession wear the British diadem to a number ranking with the Louises of France, many a goodly prince of that royal line will have mingled his ashes with American dust, and not many generations may pass away before one of the first monarchs of the world on ascending his throne shall declare, with exulting joy, 'Born and educated amongst you, I glory in the name of American.'"—"A Few Political Reflections submitted to the Consideration of the British Colonies," p. 49, Philadelphia, 1774.

But it was all academic and aside from the practical question. The old Anglo-Saxon institutions had been extinguished in England for seven hundred years, and the loyalists saw visions. The vital question was as to the British Constitution as it stood in the year 1765. Could the patriot colonists persuade the British majority to change it and go the radical colonial way?

When Englishmen and loyalists reflected that Parliament could enact the death penalty in the colonies, and take away a colonist's life by a law to which he had not consented, it seemed strange that it could not take from a colonist without his consent a shilling a year in taxes. They began collecting and publishing the numerous instances in which Parliament had long regulated colonial internal affairs, so as to show that it was hardly possible that there could be an exception in the one item of taxation inside of the seaports.

A notable instance of internal regulation was the colonial post-office system, which was begun by an act of Parliament in 1692, and enlarged and extended by another act in 1710; and this same act fixed and regulated the

rates of postage in all the colonies and exempted letter-carriers from paying ferriage over rivers. It was unquestionably an internal regulation, and seemed very much like a tax on the colonists for carrying their letters. It was an internal tax and a very heavy one, because the postage rates were high. In 1765, the same year as the Stamp Act, the postage rates in the colonies were again regulated by Parliament. But although the colonists complained of the Stamp Act they never complained of the postage regulations.

Loyalists could be very annoying on this point, for it was difficult to deny that there was a strong resemblance between demanding postage on letters and exacting a stamp duty on the legal or business document inside the wrapper. The real difference was that by paying the postage the colonists received in return an immediate and undeniable benefit in having their letters carried at the mother-country's expense by a general system which was uniform throughout the colonies, while in the case of the stamp tax England seemed to be getting all the benefit. The general benefit of the post-office had been so great and obvious that in 1692, 1710, and 1765, when Parliamentary post-office acts were passed, it never occurred to any one to think of them as dangerous precedents of internal regulation.*

If the Stamp Act is unconstitutional, Englishmen would say, so also is the post-office act; but your arch rebel Franklin still remains postmaster of the colonies, and enjoys the salary, although the act under which he holds

* See "Considerations on the Propriety of imposing Taxes in the British Colonies," etc, pp. 55, 56, London, 1766. The author of this pamphlet argues against the post-office as a precedent for internal taxation, and then admits that, being so convenient, it slipped in as a precedent without the colonists being aware of its danger.

other should, according to his own argument, be declared void.

If you want other instances, said the loyalists, of Parliament regulating the internal affairs of the colonies for the last century and more, they are innumerable. As far back as 1650, under the protectorate of Oliver Cromwell, that huge son of liberty, Parliament passed an act blocking up the ports of Barbadoes, Virginia, Bermuda, and Antigua, and in that old act of Cromwell's time it is expressly declared that the colonies are subject to Parliament.

Going farther back than 1650, they found another instance in 1643, when Parliament passed an ordinance putting the whole government of the colonies in the hands of a governor-general and seventeen commissioners, with unlimited powers to "provide for, order, and dispose of all things which they shall think most fit and advantageous for the well-governing, securing, strengthening, and preserving of the said plantations." Was not Parliament then exercising power, and omnipotent power, in the colonies? And Oliver Cromwell himself was one of the commissioners.

Then, also, there was the act in the second year of George II., levying duties out of the wages of all American seamen for the purpose of building up Greenwich Hospital. By the Parliament also were passed from time to time those acts restraining the colonies from manufacturing certain articles, notably hats, articles of iron and of steel; slitting mills were prohibited, and also the cutting of pine-trees; lands were made liable to the payment of debts; the statute of wills extended to the colonies; paper currency was restrained; indentured servants empowered to enlist, troops raised in the colonies made subject to the articles of war, and so on. In fact, Parliament had over and over walked about in the colonial internal organs, with-

out arousing much, if any complaint, and without doing any harm.*

Sometimes, it is true, said the loyalists, you have protested against some particular part of this regulation by Parliament when you happened not to like it. When Cromwell was handling Virginia rather roughly her people announced the doctrine that there must be no taxation without representation. Doubtless also you could find some other protests. But you never protested on principle against the post-office, or the statute of wills, or the countless other regulations. You never protested on principle against any internal regulation that was a convenience or a benefit to you. And what do the few isolated protests you may have made amount to against the fact of long continued action by Parliament for over a hundred years.

As Parliament had done so much in colonial internal affairs without consent and without representation, and could impose a tax at the seaports, it certainly seemed extraordinary that it could not tax generally or internally, when we consider that the power of general taxation is the most important part, and, indeed, the foundation, of legislative power, if legislative power is to exist at all.

It was at first claimed by the colonists that Parliament, in spite of all its internal regulating, had never actually assumed control of private property in America, and therefore could not take away private property by a tax law to which the colonists had not consented; or, as the Stamp Act Congress put it, "Parliament could not grant to his Majesty the property of the colonists." But Parliament

* "The Rights of Great Britain asserted," pp. 27–39, London, 1776. "The Supremacy of the British Legislature over the Colonies candidly discussed," London, 1775; "An Englishman's Answer to the Address from the Delegates to the People of Great Britain," p. 10, New York, 1775.

not taken away private property by so-called external taxes or the imports which the colonists admitted to be constitutional, and an act of Parliament was very soon found by which private property had been controlled by Parliament all over the colonies.

This was the famous act of 1732, which made all lands, slaves, and personal property in the colonies liable for the debts of British merchants. The English merchants had petitioned to have this act passed as a protection. They were obliged to give the colonists in America long credit for the goods they sold them. As this debtor class increased the English merchants feared that the colonial legislatures would be persuaded to pass stay laws to prevent the seizure of colonial property in payment of such debts. Jamaica had already passed an act of this sort. Accordingly, the act of Parliament of 1732 provided that all lands, goods, and negro slaves in America should at all times be liable to seizure and sale for debt just as if they were in England.*

An enormous trade and commerce sprang up, it was said, under the protection of this act. Without the act the English merchants would have refused to give the colonists long credit; and the colonists, having no specie and little money of any kind in circulation except depreciated paper, would have been unable to pay cash or pay on short time; would, in short, have been unable to trade. But under the protection of the act they reaped a greater harvest than the English merchants. Their wonderful prosperity in recent years, said the English, flowed from that act of Parliament; and accordingly they never protested or objected to it as exercising jurisdiction over

* "The Interest of the Merchants and Manufacturers of Great Britain in the Present Contest with the Colonies," p. 38, London,

private property. They never asked that they should first be represented in Parliament, and never complained of want of representation.

If, therefore, said the Englishman, Parliament can, without your consent, enact a law taking away your life by capital punishment, and in the same way without your consent take away your private property by means of taxes levied on goods coming into your seaports, and in the same way enact a law taking away your private property for debt, what do you mean by saying that Parliament cannot take away your private property by means of taxes levied in all your towns? Where is their any authority for such a distinction as that?

There was no authority. The colonists were compelled to change their ground and deny all the authority of Parliament. The truth of the matter was that Parliament had the right to rule, and had always ruled, the colonies without their consent. If a community is a colony in the English sense, it necessarily is ruled without its consent. The American patriot argument meant in reality the extinguishment of the colonial relation.

But let us leave the arguments and see what the colonists actually did in November, 1765, when the Stamp Act was to go into effect. It never went into effect. It never was executed. The colonists by a most remarkable unanimity of action killed it more effectually than they had killed the clauses of the navigation and trade acts which did not suit them. They simply did not use the stamps. Legal proceedings went on as usual without them; vessels entered and departed without stamped papers; business men by common consent paid no attention to the stamp law; newspapers were published without a stamp, or with a death's head where the stamp should have been. In fact, there were no stamps or stamped papers to use, for

the distributers had all been compelled to resign, and the supplies of stamps or stamped paper which had arrived from England had been sent back, stored away in warehouses, or destroyed by mobs.

It would be difficult to find in all history another instance of such complete and thorough disobedience of a well-considered law which one of the most powerful nations of the world had made elaborate preparations to enforce. But the colonists went farther and prepared to punish England by what we would now call boycotting. They had already largely abstained from buying English goods, because of the "sugar act" and the attempt to prevent smuggling. They now carried the plan still farther. Associations were formed for the purpose, and so thorough was the understanding that between November and January trade with England almost ceased.

Thousands of working people, manufacturers, laborers, and seamen in England were said to be thrown out of employment, and believed themselves threatened with starvation. Petitions began to pour into Parliament from London, Bristol, Lancaster, Liverpool, Hull, Glasgow, and, indeed, as the "Annual Register" of that date informs us, from most of the trading and manufacturing towns and boroughs of the kingdom. The trade with the colonies was between £2,000,000 and £3,000,000 per year. It was no light matter to cut down such an enormous sum. Worse still, the colonists were indebted to British merchants in some £2,000,000 or £3,000,000 on past sales, and when pressed for payment expressed great willingness, but declared that the recent acts of Parliament had so interrupted and disturbed their commerce, and thrown them into such confusion that "the means of remittances and payments were utterly lost and taken from them." *

* Annual Register, 1766, vol. ix. chap. vii. pp. 85, 86.

John Bull was apparently struck in his pocket, the most tender spot on his person. Meantime, during the previous summer the Grenville ministry, which had secured the passage of the Stamp Act, quarrelled with the king and went out of power. A new ministry was formed by Lord Rockingham out of a faction of the Whig party. This ministry was very short-lived; and has usually been described as weak, although it secured some legislation which has been admired. It had to settle first of all the great question raised by the supposed starving workmen, and the merchants and manufacturers with their petitions crowding the lobbies of Parliament. They asked to have the Stamp Act repealed. But general public opinion, both in Parliament and throughout the country, was exasperated at the resistance in America and was in favor of further repressive measures.*

The whole question of the taxation of the colonies was raised again; witnesses, experts on trade, all sorts of persons familiar with the colonies, including Franklin, were called to the bar of the House, examined, and cross-examined. The agents of the different colonies were constantly in attendance in the lobbies. No source of information was left unexplored. The ablest men of the country were pitted against each other in continual debates, and colonial taxation was the leading topic of conversation among all classes. There were two main questions: Was the Stamp Act constitutional? and, If constitutional, was it expedient?

It was the innings of a radical section of the Whigs, and, being favorable to liberalism and the colonies, they decided that the Stamp Act was not expedient. They accordingly repealed it within a year after its passage. But they felt quite sure, as did also the vast majority of Englishmen, that Parliament had a constitutional right to

* Lecky, "England in the Eighteenth Century," vol. iii. p. 100.

tax the colonies as it pleased, and so they passed what became known as the Declaratory Act, asserting the constitutional right of Parliament to bind the colonies "in all cases whatsoever;" and this is still the law of England.

The rejoicing over the repeal of the Stamp Act was displayed, we are told, in a most extraordinary manner, even in England. The ships in the Thames hoisted their colors and houses were illuminated. The colonists had apparently been able to hit a hard blow by the stoppage of trade. The rejoicing, however, as subsequent events showed, was not universal. It was the rejoicing of Whigs or of the particular ship-owners, merchants, and workingmen who expected relief from the restoration of the American trade. It was noisy and conspicuous. There must have been some exaggeration in the account of the sufferings from loss of trade. It is not improbable that Parliament had been stampeded by a worked-up excitement in its lobbies; for very soon it appeared that the great mass of Englishmen were unchanged in their opinion of proper colonial policy; and, as was discovered in later years, the stoppage of the American trade did not seriously injure the business or commercial interests of England.*

But in America the rejoicing was, of course, universal. There were letters and addresses, thanksgivings in churches, the boycotting associations were instantly dissolved, trade resumed, homespun given to the poor, and the people felt proud of themselves and more independent than ever because they could compel England to repeal laws.

The colonists were certainly lucky in having chanced upon a Whig administration for their great appeal against taxation. It has often been said that both the Declaratory Act and the repeal of the Stamp Act were a combina-

* "Letters of James Murray, Loyalist," p. 258.

tion of sound constitutional law and sound policy, and that if this same Whig line of conduct had been afterwards consistently followed, England would not have lost her American colonies. No doubt if such a Whig policy had been continued the colonies would have been retained in nominal dependence a few years longer. But such a policy would have left the colonies in their semi-independent condition without further remodelling or reform, with British sovereignty unestablished in them, and with a powerful party of the colonists elated by their victory over England. They would have gone on demanding more independence until they snapped the last string.

In fact, the Whig repeal of the Stamp Act advanced the colonies far on their road to independence. They had learned their power, learned what they could do by united action, and had beaten the British government in its chosen game. It was an impressive lesson. Consciously or unconsciously the rebel party among them was moved a step forward in that feeling for a distinct nationality which a naturally separated people can scarcely avoid.

Such a repeal, such a going backward and yielding to the rioting, threats, and compulsion of the colonists, was certainly not that "firm and consistent policy" which both then and now has been recommended as the true course in dealing with dependencies. The Tories condemned the repeal on this account, and in the course of the next ten or fifteen years ascribed to it the increasing coil of colonial entanglement.*

* The arguments against repealing the Stamp Act are well and briefly summarized in "Correct Copies of the Two Protests against the Bill to repeal the American Stamp Act," London, 1766. See, also, "The Constitutional Right of the Legislature of Great Britain to tax the British Colonies," p. 25, London, 1768.

In one sense it made little difference whether the policy was easy or severe. Whig conciliation encouraged and Tory half-way severity irritated the patriot party into independence. Independence could have been prevented only by making the severity so crushing and terrible as to reduce the country to the condition of Ireland.

IV

PARLIAMENT TAXES PAINT, PAPER, AND GLASS AND THEN ABANDONS TAXATION

DURING the year after the repeal of the Stamp Act politics were comparatively quiet in the colonies. The Assembly of Virginia voted a statue to the king and an obelisk to Pitt, and New York voted statues to both the king and Pitt. Several of the colonies passed acts indemnifying those who had suffered in the Stamp Act riots.

There was, however, one cloud in the sky. A clause of the Mutiny Act, passed at the same time as the Stamp Act, had required the colonial legislatures to provide the British soldiers quartered in America with barracks, fires, beds, candles, and other necessaries. This provision was now enforced as part of the remodelling of the colonies. The officers in command demanded their supplies. The assembly in New York voted part of the supplies, but failed to furnish vinegar, salt, and pepper.

This disobedience on the part of a dependency was extremely irritating, even to a Whig ministry; and an act of Parliament was promptly passed prohibiting the New York Assembly from enacting any law until it complied with the requisition for the soldiers. This was internal regulation with a vengeance, that Parliament and a Whig ministry should actually suspend the power of a colonial legislature. Yet the act was unquestionably constitutional, because the colonists themselves had admitted that Parliament had full control over them, except in the matter of internal taxation.

They now began to realize the absurdity of the ground they had taken, and to see that the colonial relation necessarily implied full power of Parliament over New York or any other colony. New York, however, submitted, obeyed orders, and everything remained comparatively quiet.

A few months after the repeal of the Stamp Act the king and the Rockingham ministry disagreed, and on July 7, 1766, that ministry went out of office. William Pitt formed a new one, made up of politicians from the various cliques and factions of the Whigs,—a most impossible and impracticable ministry, and as short-lived as its predecessor.

Pitt was no longer the powerful statesman who had carried England through the great war with France and secured for her Canada and what seemed to be a world-wide empire. His health was broken and his nervous system shattered. He was afflicted with paroxysms of anger, could not bear the slightest noise, or even the presence of his children in the same house with him. He spent enormous sums of money in planting his country-seat, "Hayes," and secluding himself within it. He sold the country-seat, but was so unhappy at parting with it that his wife bought it back for him. He required a constant succession of chickens to be kept cooking in his kitchens all day to satisfy his uncertain, but at times ravenous, appetite.*

In forming the new ministry he compelled the king to give him a title, and henceforth he is known as Lord Chatham. Within a few weeks after forming the ministry his health failed so rapidly that he had to be taken to the continent. He never afterwards exercised any control in the ministry of which he was supposed to be the head,

* Lecky, "England in the Eighteenth Century," edition of 1882, vol. iii. p. 121.

and within a little more than a year he retired from it altogether. But up to his death, in 1778, he would occasionally appear in the House of Lords to make those eloquent and pathetic appeals, from which our school-boys used to recite passages, denouncing the government because it would not withdraw all the troops from America, and by peaceful discussion persuade the colonies to stay within the empire.

As for the ministry he had formed, it was not his in any sense. On every question it pursued a course opposed to his policy; and after extraordinary confusion and divisions it soon ceased to bear even the semblance of a Whig ministry,* for by successive resignations Tories were admitted until it became all Tory. Lord Hillsborough and Lord North were admitted to it; and finally that extreme and thorough-going Tory Lord George Germain. The Whigs went entirely out of power, and for the remainder of the time we have a Tory government dealing with the colonies.

The constant changing of ministries at this time had not a little to do with the development of the revolutionary spirit in America. A ministry seldom lasted over a year. While there were the two great parties, Whig and Tory, they were strangely confused and split up into factions. Party lines were not distinctly drawn.† There could be no consistent and steady colonial policy. Whig ministries used Tory methods and Tory ministries used Whig methods. The uncertainty, the shifting back and forth from severity to liberality, passing taxing acts and repealing them, was a vast encouragement to the colonial rebels. As our Revolution advanced we find party lines and policies

* Lecky, "England in the Eighteenth Century," edition of 1882, vol. iii. p. 128, *et seq.*

† Ibid., pp. 110–114.

[illegible] England [illegible] clearer, until towards the end they [illegible] and in 1774 the ministry carried out a [illegible] policy.

As [illegible] in this period of English history how [illegible] and [illegible] every ministry was; how [illegible] and [illegible] business had become; how violent the excitement and rioting over Wilkes; how incapable the government was to keep ordinary civil order even in London, one cannot help smiling to think of the opportunities our ancestors had in this confusion. There has been no period since then when we could have broken away so easily. Luck was an important factor in the Revolution, and attended us from the beginning to the end.

In the autumn of 1766 Parliament went to the country, and, as was naturally to be expected, the new election returned a body more determined than ever to remodel the colonies. It is difficult for any nation to endure a dependency where its sovereignty is not recognized. The colonists had compelled England to repeal an important law, and had brought about this repeal by violence, by withholding trade, by starving English merchants and workingmen. Could this be endured? could it be possible that a set of inferior people in a dependency had such power as that?

Observing the temper the house was in, Charles Townsend, Chancellor of the Exchequer, a whig, and a most brilliant but uncertain member of the patch-work Chatham ministry, announced, on January 26, 1767, that the administration was prepared to solve the American problem. This solution would render the colonies self-sustaining, and relieve Great Britain of the expense of securing, defending, and protecting them. He knew, he said, a mode by which revenue could be drawn from

America for this purpose without causing the heat and turmoil of the Stamp Act; and for this hopeful announcement he was vigorously applauded on all sides.

His plan was nothing more than taking the colonists at their word on the distinction between external and internal taxes. They had said that they were willing to pay external taxes, so a bill was introduced laying a duty on paint, paper, glass, and tea imported into the colonies, and to be paid at their seaports in the exact manner which they had said was lawful and constitutional.

It was also at this time that other bills were introduced creating commissioners of customs to reside in Boston, strengthening the jurisdiction of the admiralty courts, and taking other vigorous measures to suppress American smuggling, as already described in a previous chapter. This patch-work Whig ministry felt as strongly as the Tories the necessity for remodelling and reforming the colonies.

The paint, paper, and glass act was a great landmark in the Revolution, and wrought a great change of opinion. The colonists were fairly caught in their own argument. These new taxes were external, and, therefore, constitutional. At the same time they were laid on articles of such universal use, imported in such large quantities from England, that they would be paid in the enhanced price of the articles by all the people all over the country just like the stamp tax, and so were as much an internal taxation as the stamp tax. The colonists could only weakly argue against them that they were purely for raising revenue, and not for the regulation of the commerce of the empire.

But although they were as internal in their effect as the stamp tax, they could not be resisted, as the stamp tax had been resisted, by simply not using the stamps. These taxes were collected at the seaports by the authority and

[illegible] of the [illegible] and a host of new [illegible] [illegible] imported, the taxes would [illegible] [illegible] were of such [illegible] [illegible] [illegible] to import them.

[illegible] were again sent to England, and the [illegible] for suspending importations were [illegible] [illegible] that there was no [illegible] [illegible] colonists were acting in a rather subdued manner. They hardly knew what to think. The next step was a serious one. They must adopt new political [illegible]. Their leaders were holding them in check. A town meeting was held in Boston to discountenance rioting, and [illegible] urged caution and advised that no opposition should be made to the new duties. On the 20th of November, 1767, when the taxes went into effect, the people were remarkably quiet.*

Their petitions, letters, and public documents are full of the most elaborate expressions of loyalty and devotion. The famous petition which Massachusetts sent to the king in January, 1768, is apparently the perfection of simple-hearted unquestioning loyalty. Knowing what was in their hearts, it is most amusing to read the long-drawn-out humble submissiveness of their words. There is no bold arguing against the right to tax. They merely beg and beseech to be relieved from these new taxes. If they cannot be relieved from them, then they can only "regret their unhappy fate." They repeat the old unfortunate admission of the Stamp Act Congress that Parliament has superintending authority over them, but instead of adding the exception of internal taxation, they have a new exception, which they state by saying that this supreme authority extends to "all cases that can consist with the fundamental rights of nature and the constitution." Those words,

* Barry, "History of Massachusetts," vol. ii. pp. 340, 341.

"fundamental rights of nature," were a new way of limiting the authority of Parliament and significant of what was soon to happen.

Glancing at the documents sent out by the other colonies, we find another idea obtruding itself. They ask for a return of the conditions and privileges they had enjoyed before the French War closed in 1763; the old days when the French in Canada prevented any remodelling or reform by England. This request for a return to that happy golden age became a watchword in the patriot party.

In the next month, February, 1768, the Massachusetts Assembly sent to all the other colonial assemblies a circular letter, very cautiously worded, and arguing the subject in a quiet way. There is nothing about external and internal taxes; but the recent duties on paint, paper, and glass are said to be infringements of their natural and constitutional rights, because such duties take away their property without their consent; which is simply a roundabout way of saying that no taxation without representation, and the doctrine of consent, must now be applied to external as well as internal taxes.

It is to be observed that they say that the duties are infringements of their natural and constitutional rights. A year or two before it was only their constitutional rights; now it is also their natural rights. They are broadening their position to meet the new conditions. Massachusetts also said in the circular letter that the doctrine of consent was an "unalterable right in nature ingrafted into the British Constitution." This was altogether a new way of looking at the British Constitution, to "ingraft" upon it a right of nature against the will of Parliament and the English people; and these rights of nature will soon have to be considered in a separate chapter.

The Massachusetts circular letter, of course, insists strongly that it is impossible that the colonies should ever be represented in Parliament; and it declares in all seriousness that the colonists are not seeking "to make themselves independent of the mother country." In short, they are just dear, good children, who are so devoted to mother England that they will show her how to remodel her constitution.

The British government, however, was not in the least deceived. They very naturally regarded this letter as "of a most dangerous and factious tendency, calculated to inflame the minds of good subjects in the colonies." The chief object of the letter had been to promote union among the colonies, unite them in opposition, and encourage a reciprocal expression of feeling. The government quickly saw this, and there was an unsuccessful attempt to have Massachusetts rescind the letter.* This caused an irritating controversy, which has been most voluminously described in many histories, but into the details of which we have not space to enter.

It has been commonly said that the attempt of the government to have the letter rescinded was unwise because it was practically a denial of the right to petition, and made the colonies more rebellious than ever. But the ministry were in an awkward predicament. They saw that the colonies were evidently moving off. There was a powerful rebel party at work among them. Should the government stand still and let them go?

The most serious provision of the paint, paper, and

* Paul Revere, patriot, silversmith, engraver, and lover of saddle-horses, celebrated the refusal of the legislature to rescind by making a handsome silver punch-bowl, inscribed, "To the Memory of the Glorious Ninety-two Members of the Honorable House of Representatives of the Massachusetts Bay, who on the 30th of June, 1768, voted not to rescind."

A New

S O N G,

Addreſs'd to the SONS of LIBERTY, on the Continent of AMERICA; particularly to the illuſtrious, Glorious and never to be Forgotten NINETY-TWO of BOSTON.

" The Americans are the Sons, not the Baſtards of England: the Commons of America, repreſented " in their General Aſſemblies, have ever been in Poſſeſſion of the Exercise of this their Conſti- " tutional Right, of GIVING and GRANTING their OWN MONEY; they would have " been SLAVES, if they had not enjoyed it."

Mr. PITT's Speech.

Tune "Come jolly Bacchus" &c. *or* Glorious firſt of AUGUST."

COME jolly SONS of LIBERTY—
Come ALL with Hearts UNITED,
Our Motto is " WE DARE BE FREE"
Not eaſily affrighted!
Oppreſſion's Band we muſt ſubdue,
Now is the Time, or never;
Let each Man PROVE this Motto True.
And SLAVERY from him ſever.

See *Liberty* high poiſ'd in Air,
Her FREE BORN SONS commanding,
" Come on, my Sons, without all *fear*;
" Your NATURAL RIGHTS demanding!
" Your *CAUSE*, the Gods preciſion, is *Juſt*,
" Can *tamely*, you, be *fetter'd*!
" In which, *diſturb your Fathers DUST*!
" With *S*, be *ever* letter'd!"

Pale viſag'd *Fear*, let none poſſeſs!
Or Terrors e'er perplex him,
POSTERITY will ever bleſs,
And nought hereafter vex him;
To *Freedom's Banner*, let's Repair;
When e'er we ſee Occaſion—
Nor WIVES nor CHILDREN, tho' muſt dear,
E're ſtop to look, or gaze on.

Obey, my *Brothers*, *Nature's* call,
Your *Country* too demands it!
Let LIBERTY poſ'er have a *Fall*!
'Tis Freedom that commands it.
The *Ax*, now to the *Root is laid*.
Will you be, or *BOND* or *FREE*?
No *Time* to pauſe—then " Whoſe afraid!"
Live or *die* in *Liberty*!

In *Freedom's Cauſe*, the ſlaviſh Knave,
'Twere better his Condition,
(That might his *Country's Ruin* ſave!)
To ſink into Perdition;
Chain'd to a GALLEY, groan his Days,
And never be forgotten,
While Furies croak his *Bondage Lays*,
After he's Dead and Rotten.

Now *FARMER*, Dear, we'll fill to you,
May *Heav'n* its *Bleſſings* ſhow'r,
As on the Glorious *NINETY-TWO*,
But Seventeen devour—
Mean abject *Wretches!—Slaves* in Grain!
How dare ye ſhew *your Faces*!
To taſteſt Days, *go drag your Chain!*
Like *other MULES* or *ASSES*.

A SON OF LIBERTY.

Once ſhov'd *this* PRECEDENT take Place!
Tell, what you call *your OWN* Sir!
MAGNA CHARTA in Diſgrace!
Your *Subſtance* now, all flown Sir!
No more ſhall *Peers* now try *your Cauſe*!
That *Time* is now *all over*!
What *need* have we pray now of *Laws*!
Now *Right* is *Wrong* in *Terror*!

A SONG OF THE REVOLUTION AT THE TIME OF THE MASSACHUSETTS CIRCULAR LETTER

glass act remains yet to be mentioned. The colonists had objected to the Stamp Act because it was understood that the revenue from it was to be devoted to keeping an army among them. They were also unalterably opposed to any system by which revenue raised from them was to be turned generally into the English exchequer. The paint, paper, and glass act was intended to obviate both of these objections. The revenue raised from it was to be spent entirely on the colonies themselves in maintaining among them civil government and the administration of justice. There was to be a colonial civil list, as it was called, and hereafter all governors, judges, and other colonial executive officials were to receive fixed salaries paid by the crown out of the revenue raised by the duties on paint, paper, glass, and tea. The old system of the assemblies securing the passage of their favorite laws by withholding the governor's salary, and of controlling the judges in the same way, was to cease. There was to be no more bargain and sale legislation; but in place of it orderly, methodical, regular government.

This, as previously shown, struck at the root of what the colonists considered their system of freedom. If they could no longer control governors and executive officials through their salaries, they could no longer have their favorite laws. They would become mere colonies, compelled to take what was given to them and to do as they were told.

The first man to come forward with a popular and encouraging statement of the colonist side of the controversy was John Dickinson, a young man of thirty-five, a Quaker, and a lawyer of considerable practice in Philadelphia. He had been for some years more or less concerned in politics; had been a member of the Stamp Act Congress, and had drafted several of its documents.

He seems to have understood that the arguments thus far published were too brief and general. There was not enough of detail in them. The aggressive or patriot party among the colonists needed more light and were not sufficiently aroused. He accordingly wrote for one of the newspapers a series of "Letters from a Farmer," which accomplished his purpose most admirably. They awoke the colonists with a bound. The title was also fortunate, for the farmers were by far the largest and most important class in the community.

His opening sentence was captivating. "I am a farmer," he said, "settled after a variety of fortunes near the banks of the Delaware in the province of Pennsylvania." His farm was small, his servants few and good; he had a little money at interest; he asked for no more.

There were twelve of these letters by Dickinson published in the *Pennsylvania Chronicle* between December 2, 1767, and February 15, 1768. They were quickly copied in most of the other colonial newspapers, reprinted in pamphlet form in numerous editions in America and England, and translated in France. They caused the greatest excitement among our people. Town meetings, societies, and grand juries sent votes of thanks to the author. They toasted him at public dinners, and wrote poems and eulogies in his honor. At the same time we must remember that these letters were also attacked as going entirely too far and "calculated to excite the passions of the unthinking." *

They enlarged in detail on the danger of losing control of the salaries of the governors. They showed the full meaning of Parliament's suspension of the legislative power of New York. They showed that if Parliament could suspend the functions of a colonial legislature, it was

* "Life and Writings of Dickinson," vol. ii. p. 280.

omnipotent in its control of the colonies. Dickinson was bold enough to answer the argument that England was too powerful to be resisted. It is also significant that he describes as a warning to the colonists how Ireland had lost her liberties.

He took the new ground of rejecting all authority of Parliament, and at the same time tried to make it appear that there was no change from the old line of argument. He kept all the old arguments going, so as to conceal the new movement. He clung to the old absurdity of allowing Parliament to regulate the commerce of the colonies by duties which should not be for revenue. This effort to conceal the change of ground renders a great deal of his reasoning very obscure to a modern reader.* But the patriot party understood him. Englishmen also understood his purpose and saw what was coming.†

In this same year, 1768, more strenuous efforts than ever were made to suppress smuggling. On June 10 there was the riot over the seizure of the sloop "Liberty." In September men-of-war and transports loaded with troops arrived in Boston to keep order. The British officials in the colony had asked for these troops.‡ By September 30 Boston Common was covered with tents, and about fourteen men-of-war lay in the harbor, with

* Franklin, who was in England at the time, was puzzled by this obscurity. "I know not what bounds the farmer sets to the power he acknowledges in Parliament to regulate the trade of the colonies, it being difficult to draw lines between duties for regulating and those for revenue; and, if Parliament is to be the judge, it seems to me that establishing such principles of distinction will amount to little."—"Life and Writings of Dickinson," vol. ii. p. 281.

† Critical Review, xxvi. 62; "Life and Writings of Dickinson," vol. ii. p. 282.

‡ The loyalists said that citizens also asked for them. "The Conduct of the Late Administration examined," p. 58, *et passim*.

springs on their cables, and their broadsides covering the town.

The position was serious and very peculiar; for, as Franklin said in his criticism on Dickinson's Letters, the Boston people were in their resolutions and documents acknowledging subordination to Parliament and at the same time denying its power to make laws for them.

The year 1769 opened with Parliament declaring in both speeches and resolutions that the colonies were in a state of disobedience to law and government, adopting measures subversive of the constitution and disclosing an inclination to throw off all obedience to the mother-country. This was unquestionably a true description of the situation; and I cannot see that any good purpose is served by obscuring or denying it by means of those passages in the documents of the colonists in which they declare their "heartfelt loyalty" to Great Britain, disclaim all intention of independence, and acknowledge the supreme authority of Parliament. Those fulsome expressions deceived no one at that time, and why should they be used to deceive the guileless modern reader? The patriot party made many such prudent statements, which were merely the nets and mattresses stretched below the acrobat in case he should fall.

We find Parliament in this year directing that the governor of Massachusetts obtain "the fullest information touching all treason or misprision of treason within his government since the 30th day of December, 1767, in order, as the instruction went on to say, that his Majesty might have such offences tried within the realm of England, according to the statute passed in the thirty-fifth year of the reign of Henry VIII.

The meaning of this, in plain English, was that a colonist suspected or accused of treason must not be tried in the colonies where any jury that could be called would

probably acquit him as a matter of course. It seemed better to take him to England and try him there in the calm and impartial light of regular British administration. This measure filled the patriotic party in the colonies with the most violent indignation. They denounced it in every form of language; and although no one was ever taken to England to be tried, it was enumerated in the Declaration of Independence as one of the causes of separation.

It was natural that our people, who, under the restraining power of France, had enjoyed so much liberty that they scarcely understood what a colony was, should be indignant at this suggestion of transporting them for trial. On the other hand, the ministry wished to establish British authority in the so-called colonies; the law of Henry VIII. was on the statute-book; it had been used several times; the Scotch rebels had been tried out of the country in which their crimes were committed; so, also, the Sussex smugglers and the murderers of Mr. Park, the governor of the Windward Islands.

It afterwards also seemed necessary to prevent the colonists from trying in their courts British officials who might be accused by them of murder, when in their official capacity they were suppressing riots. They would be convicted as a matter of course. Provision was therefore made for taking such officials to England, or to another and more peaceable colony, for trial. This measure, like the other, was never enforced, but vigorously denounced by our people. There were no trials for treason in the Revolution, although England was on the verge of it several times.

Meantime, the non-importing associations were revived, in the hope that they would be as successful as they had been with the Stamp Act; and we notice now for the first time that force and intimidation were used to compel mer-

chants and others to join these associations and refrain from importing. Thus the year 1769 wore away until November, when, before the non-importation agreements had had any great effect, the extraordinary and unexpected news was received that the Tory ministry had of their own accord decided to repeal the duties on paint, paper, and glass and leave only the duty on tea.*

In the spring they had been denouncing the colonial rebellion and preparing to punish traitors. In the autumn they had eaten their own words, and in effect complied with the request of the rebels. The small duty on tea was left standing merely to show that the right to tax remained, just as the Declaratory Act had been passed when the Stamp Act was repealed. This duty on tea would also, it was believed, be a test of the real sentiments of the colonists, and show whether or not they were bent on rebellion and independence under any pretext.

During the following winter this promise of repeal was promptly fulfilled. The duties on paint, paper, and glass were repealed, and the ministry even went farther and abandoned all attempt to compel the colonists to pay for their defence or to maintain the troops stationed among them. What could have been more gracious, more friendly, or more conciliatory than this? I cannot agree with those writers, both American and English, who hold that a conciliatory policy would have saved the colonies to England.

We must remember that on this occasion Lord Hillsborough officially informed all the colonial governors that the ministry "entertained no design to propose to Parliament to lay any further taxes on America for the purpose

* Ramsay, "American Revolution," Trenton edition, 1811, p. 119; Ryerson, "American Loyalists," vol. i. p. 361; Hildreth, "United States," edition of 1880, vol. ii. p. 558; Bancroft, "United States," edition of 1888, vol. iii. p. 362.

of raising a revenue." This was in strict compliance with the colonial argument and with Dickinson's "Letters from a Farmer," that what America objected to was "taxation for the purpose of raising a revenue." The ministry had abandoned the revenue and abandoned the compulsory maintenance of the army. They could hardly have done more unless they had declared England the colony and America the mother-country. The colonies were put back very nearly into the old condition that prevailed before 1763.

Lord Hillsborough's promise that no more taxes should be laid on the colonies was faithfully kept. The British Parliament never passed another taxing act, and, when five years later actual warfare began, no one could say that the promise had been broken, for there had not been even an attempt to pass such an act.

When we seek to discover why the Tory ministry made this sudden change, which was in effect an adoption of the Whig policy and Whig methods, we find that they had discovered that the new duties would not produce £16,000 per year, and that the military expenses in the colonies had increased to more than ten times that sum. The paint, paper, and glass duties being therefore a failure and an expense, causing great irritation, and England being already oppressed with debt, the ministry wished to compromise with the colonists and settle the dispute in a friendly way. They had been divided on the question, and, after long discussion of their differences, settled them in favor of the colonists.

If we seek still farther to explain this change of front, we may account for it, as a great deal of subsequent conciliation or vacillation may be accounted for, by the fear of France. Her shadow was appearing. She was again coming on the scene. The colonists were threatening to

appeal to her; and the *Boston Gazette* of September 20, 1768, had openly made the threat.* Even without the threat it was obviously France's policy to take advantage of any open rupture or difficulty that England might have with the colonies. France wished to revenge her humiliation in 1763 and cripple England's power as an empire. This fear paralyzed all of England's action. It was an underlying influence of debates in Parliament and consultations of ministers. England must avoid if possible the forcing of the dispute to that extremity.

But whatever may be the reasons, the important fact remains that in this year 1770 Great Britain withdrew the two great colonial grievances,—taxation for revenue, and compulsory support of a standing army; and this event should not be obscured or placed in the background of historical narratives merely because it does not show sufficient tyranny or oppression on the part of England.

The first and most important consequence of this conciliation was that among the patriot or rebel party England's prestige was gone forever. She had lost much of her prestige and vastly encouraged that party when she repealed the Stamp Act at its dictation; and now she had given the finishing stroke.†

England, of course, lost no prestige among the people afterwards called loyalists, people un-Americanized, inclining strongly towards England by taste and associations, and not inspired with the passion for ownership of the country in which they lived. These people accepted the repealing act in the spirit in which it was offered, as redressing grievances and tending to secure the colonies within the empire.

So very conciliatory was the repealing act and the prom-

* Holmes, "Annals," vol. ii. pp. 177, 178.

† "Letters of James Murray, Loyalist," p. 170.

ise of the ministry, that it had a quieting effect on all parties and put an end to excitement and turmoil for three or four years. The moderates in the patriot party were willing to let well enough alone, and the small duty on the one item of tea did not bother them any more than the old Declaratory Act. In truth, the extreme radicals of the Samuel Adams type had nothing with which to arouse the moderates. The agitation business was at a low ebb.

Within a few months, however, an accident occurred which could be used, and was used for a time, for purposes of excitement. It was one of those accidents which, in strained relations between independent nations, often precipitate a war.

The ministry had not thought it a necessary part of conciliation to withdraw the troops from Boston; and it is difficult to see how they could properly have withdrawn them. The lives of the customs officials in that town had been threatened by the mobs, and were not safe; and the troops and war-vessels had been asked for, and sent, for the purpose of protecting those officials as well as to assist them in enforcing the navigation laws.

The ministry could not very well abandon the enforcement of those laws. They had decided to stop smuggling, and had started to stop it. They could hardly draw back from that undertaking without surrendering completely to the colonists and abandoning the little that remained of British authority in America. Moreover, the colonists had admitted that such laws regulating trade were constitutional.

The contest and the strained relations were now confined to Boston. The rest of the colonies were quiet and had no particular grievance; and the contest itself had now returned to the old subject of smuggling.

The soldiers in Boston were extremely irritating; not

only because they were swaggering and offensive after the British manner, but because Massachusetts was entirely unaccustomed to anything of that sort. If she had always been a real colony, accustomed to supervision, her people might have treated the military occupation as a small matter. British colonies often have considerable bodies of troops stationed in them. In our own time in Canada we have often seen the people quietly acquiescing in the presence of the red-coated regiments which caused such frenzy in Massachusetts. But Massachusetts had at one time enjoyed semi-independence, and the presence of troops to enforce laws which she had disobeyed for a hundred years, and grown rich through disobeying, was almost unbearable. Her people felt towards those troops very much as they would feel to-day if Boston were occupied by a foreign soldiery.

It was naturally to be expected that anything like ill-conduct by the soldiery would be exaggerated by the people and used by the patriot leaders to stimulate their resentment. There is no question that some of the more radical and fiery spirits were constantly exciting the townspeople to quarrel with the soldiers. Both men and boys made a constant practice to insult the "bloody-backs," or "scoundrels in red," as they called them; and they would shout at them, "lobsters for sale." The soldiers in their turn had their insults for the "mohairs," or "dung-hill tribe," as they called the colonists. The soldiers were often arrested by the local magistrates, whom we may be sure were not lenient with them; and the colonists complained that the officers screened their men from punishment.

On the 2d of March, 1770, a soldier asking for employment at Gray's rope-walk was refused in coarse language. He insisted on having a boxing-match with one of the

workmen, and was beaten. He returned with some companions and was driven off, and a larger number coming to fight with clubs and cutlasses were also driven off. On the night of the 5th there was much disturbance in the streets; the soldiers were swaggering and threatening, and the citizens and boys replying to them in language equally abusive. The mob, armed with clubs, balls of ice, and stones inside of snow-balls, finally pressed upon a picket guard of eight men, daring them to fire. The soldiers restrained themselves for some time, until one, receiving a blow, fired his musket, and immediately six of the others fired. Three citizens were killed and eight wounded.*

There was at once great excitement in the town. The bells were rung; the cry was spread, "The soldiers are rising," and many believed that a general attack by the citizens on the soldiery was narrowly averted. The next day a town meeting was called. A committee, of which Samuel Adams was chairman, urged Governor Hutchinson to remove all the soldiers from the town to preserve the peace and prevent an attack by the people, who would soon be swarming in from the country. After some hesitation Hutchinson agreed that the soldiers should be sent down the harbor to the castle. This was, from one point of view, a wise and creditable expedient to prevent violence. But we must also remember that it was a yielding on the part of England to the demands of the colonists, with the redoubtable rebel Sam Adams at their head.

The captain of the guard and the eight men had been immediately arrested. They were turned over to the civil authorities of the colony, regularly tried, defended by John

* John Adams, Works, vol. ii. p. 229; Ramsay, "Colonial History," vol. i. pp. 364, 365; Holmes, "Annals," vol. ii. pp. 166, 167; Hildreth, "History of the United States," vol. ii. chap. xxix. pp. 554, 555.

Adams and Josiah Quincy, and the captain and six of the men acquitted. The remaining two were brought in guilty of manslaughter, and slightly punished. This trial reflected the greatest credit not only on the jury, but on Adams and Quincy, who were patriot leaders; and the verdict of the jury showed that the soldiers had not been seriously to blame. But most of the patriot party seized upon the occurrence for their own purposes. They called it the "Boston Massacre," and Paul Revere prepared a colored engraving of the scene, calling it the "Bloody Massacre." They exaggerated it into a ferocious and unprovoked assault by brutal soldiers upon a defenceless people, and the eagerness with which this exaggeration was encouraged showed whither events were tending.

The evidence taken at the trial has been published,* and contains all we really know about the event. It is worth reading as an astonishing revelation of the times, the anger and resentment of a large part of the people, the torrents of abuse and slang that were exchanged, the hatred of England and English control, and the readiness to destroy any symbol of that control. After reading the description by the witnesses of that night in Boston, one sees that the American communities could never be turned into modern colonies by the conciliatory policy, or any policy except some sort of extermination.

The government had been most lenient in surrendering the guard to be tried by a jury of colonists and in removing the troops from Boston, so that the "massacre" could not at that time be worked up into rebellion. The government had certainly not acted harshly. On the contrary, there

* "The Trial of the British Soldiers of the Twenty-ninth Regiment of Foot for the Murder," etc., Boston, 1807. It reveals a great deal of local color, and discloses to us the Boston street boy of that day.

had been so much yielding that the two regiments that had been sent out of Boston were ever afterwards ridiculed in England as the "Sam Adams regiments."

The colonists quieted down. John Adams retired from politics and devoted himself to his profession. Except for the partially successful attempts to repress their smuggling, the people were very much in the same semi-independent condition as before the French War. The slight tax on tea, which had been left partly to show that Parliament was the supreme power and partly as a test to see how rebellious the colonists were, worked well enough, because the colonists did not mind it, and continued to smuggle tea from Holland.

There were strong indications that possibly the American problem had been settled, and that the colonies would remain colonies of the old smuggling kind, disregarding such laws as failed to please them. Violent efforts were made by the more radical to keep up the non-importation associations, but without success. One by one the Southern colonies and then Pennsylvania and the New England colonies and New York began importing all English commodities except tea. The protest which the extreme patriots made against this is instructive as showing the condition of parties. They declared that the spirit of liberty was dead. The students at Princeton, among whom was James Madison, put on black gowns, and Lynch, of South Carolina, is said to have shed tears over what he deemed the lost cause.

This state of quietude lasted three years, to the great annoyance of men like Samuel Adams, who were bent on absolute independence. But most of the patriots were content that they could repeal acts of Parliament and order British troops out of a town.

V

THE TEA EPISODE

Before the passage of the paint, paper, and glass act tea had been taxed on its arrival in England at the high rate of a shilling per pound. When any of the tea was shipped from England to the colonies, the colonists, of course, paid this tax in the enhanced price of the tea. Hutchinson, the governor of Massachusetts, suggested that all colonial taxation be made in that way,—the tax levied and collected before the goods left England, which would be as external as it was possible to make a tax, and the colonists might be persuaded not to call it taxation.

This expensive tea, which paid a shilling per pound duty in England, did not trouble the colonists, because they smuggled all the tea they wanted from Holland. It was in the hope of breaking up this smuggling and encouraging the sale of English tea that Parliament, in the paint, paper, and glass act, struck off the shilling duty, and on all tea sent to the colonies placed a duty of only threepence per pound to be paid in the colonial ports. Thus the colonists would pay nine cents per pound less tax, the sale of tea from English provinces in the far East, and especially the tea of the great East India Company, would be promoted, the immoral smuggling of the Americans checked, and everybody made happy.

Some of this threepence-per-pound tea seems to have been imported and the duty paid. But because the duty was a direct tax, associations or clubs were formed whose members agreed not to drink it. Merchants were applauded for not importing it, and encouraged to smuggle

the Holland tea, and the smuggling, being very profitable, was regularly and extensively practised.*

There was, therefore, every reason why the patriots should be content for the present; for they were successfully defeating England and the tea act by their old methods, and their merchants were growing rich by smuggling. The loyalists afterwards said that the trifling tea tax would soon have become obsolete, and some liberally inclined ministry would have repealed it. Colonial taxation had been abandoned, was dying a natural death,† and harmony was returning, they said, if both England and the Americans would only be careful and forbearing.

But the harmony that was returning could only be continued by letting the colonies alone, and, as they increased in population and wealth, letting them pass more and more into absolute independence. The colonists were now quiet, because British authority was unestablished among them; it had been defied and beaten; the remodelling begun some seven years before had failed; and even smuggling could not be suppressed. Could England endure this state of affairs and allow it to drift into absolute separation? Wedderburn is reported to have said in Parliament at this time that the colonies were already lost to the crown.

The government could not refrain from discussing the "disorders in America," and attempting some slight remedies, especially in that hot-bed of sedition, Massachusetts. It was decided, as a first step, that the crown should pay the salaries of the governor and judges. It seemed also

* Drake, "Tea-Leaves," pp. 193, 196, 201; Hutchinson, "History of Massachusetts," vol. iii. pp. 331, 332, 351, 422; "Free Thoughts on the Proceedings of the Continental Congress," p. 10, New York, 1774.

† Ryerson, "American Loyalists," vol. i. p. 371; Hutchinson, "History of Massachusetts," vol. iii. p. 331.

well for the present to ignore or suspend that provision in the Massachusetts charter which provided that all troops, even the regulars, should be under the control of the governor. It seemed better to place such troops under a military officer, who could more properly decide whether they should be moved here or there as "Sam Adams" or a rebel committee might direct.

A great deal has been written on this violation of the charter of Massachusetts. It is useless to debate the question. If you are an Englishman, and believe independence a crime, and that the colonies should have been saved from independence, you will see in this violation merely a military or British necessity. If you are a patriot, and believe independence and self-government to be natural rights, you will see in the violation an atrocious crime.

The practical question was how far this sort of thing might go before it would produce an outbreak. The patriot party was quiet, but very inflammable. Its radical leaders were hard at work. Samuel Adams began to carry out his idea of organizing the rebellion by means of committees of correspondence, at first among the Massachusetts towns; afterwards throughout the country. We find the *Boston Gazette* of November 2, 1772, threatening that, unless "their liberties are immediately restored," they "will form an independent commonwealth." By the system of correspondence among the patriots town committees and various bodies were drawing up lists of the laws England must repeal and the positions from which she must recede. She must withdraw even the right to tax; and they went on enumerating every objection, great and small, until their lists were in effect a complete denial of British sovereignty. They were ordering the British government off the continent.

In June, 1772, the revenue cutter "Gaspee" was seized

in Narragansett Bay by the people of Rhode Island and burned. The lieutenant of this cutter had been trying to enforce the revenue laws. Like other officers on the coast, he found it very difficult to catch any one in the act of smuggling. He seized the property of people who were suddenly found to be innocent; and he acted altogether very indiscreetly in the opinion of the people of Rhode Island. But the method adopted of repressing him, by seizing and burning one of the king's ships, did not strike the British government as the sort of conduct to be expected of a dependency. A commission was sent to Providence to inquire into the matter; and there was talk of sending colonists to England to be tried; but nothing was done; no severe measures taken. It is difficult to see how the government could have been more conciliatory and forbearing. They professed to believe that such outrages were brought about by "the artifices of a few."

England might have refrained still longer from forcing an outbreak, if that great corporation, the East India Company, had not brought a pressure on the government which could not be resisted. The company was at that time in a bad condition, and was generally supposed to be bankrupt. Its stock was rapidly depreciating, and the fall of such a vast concern would precipitate a financial panic. In fact, the great company had already sunk so low that the panic was thought to have begun. Firms were going bankrupt, and merchants, manufacturers, and traders suffering. It seemed quite absurd to Englishmen that the company could not sell its tea in colonies that belonged to England, while Holland sold in those colonies thousands of pounds of tea every year. There was, in fact, laid up in warehouses in England seventeen million pounds of the East India Company's tea for which

there was no demand, because of the smuggling practices of those dreadful American colonists.

The East India Company and the government were closely allied. The company, besides paying into the exchequer £400,000 per year, was really a branch of the government for the control of India; and it afterwards became merged in a department of the government. Accordingly the ministry made an arrangement with the company which to them seemed quite reasonable.

The East India Company's tea had to pay duty on its arrival in England; but three-fifths of this duty was remitted or drawn back, as the expression was, when the tea was exported to the colonies. It was now proposed that all of this duty should be remitted on exportation to America, so that the East India Company could undersell the tea which the colonists smuggled from the Dutch. Accordingly an act of Parliament was passed, May 10, 1773, remitting the duty, and the East India Company freighted ships with tea to Boston, New York, Philadelphia, and Charleston.

Looked at in cold blood, it was a rather amusing and very English device for helping out the bankrupt company, coaxing the colonists to accept English taxed tea, and, if possible, stopping by ingenuity the smuggling that could not be stopped by revenue-cutters, boards of commissioners, troops, and men-of-war. It was so far from being tyrannous and cruel that it was pitiable; pitiable for a proud nation to be reduced to such straits.

The colonists had the whole summer and most of the autumn of 1773 to think over the matter, for the tea-ships did not begin to arrive until November. The patriots in all the colonies were determined that the tea should not be sold. They wished also to prevent it being landed, for, if landed, the duty of threepence per

pound might be paid and the plan of the king and the ministry would be partially successful.

There was now an opportunity for agitation, and the radical leaders bestirred themselves. The committees of correspondence worked upon the people all over the country. Some of the newspapers openly advocated independence. The attacks upon the East India Company as a soulless corporation and an inhuman monopoly remind us of the language of our own times.

If such a company, it was said, once got a foothold in America, it would trade in other articles besides tea, and drive American merchants out of business. A printed handbill* was circulated in Pennsylvania describing the company's shocking deeds of plunder and cruelty in India, and arguing that it would overwhelm America with the same rapacity and slaughter that had been inflicted on the unfortunate East Indians. Franklin's old friend, the Bishop of St. Asaph, prepared a speech for the House of Lords, denouncing the government for turning loose upon the Americans a corporation with such a record of bloodshed and tyranny.

It was at this time that Samuel Adams and the more ardent patriots took the next step in their plan, and suggested a union of all the colonies in a congress. The *Boston Gazette* had been openly suggesting independence for over a year. It now demanded a "Congress of American States to frame a bill of rights," or to "form an independent state, an American commonwealth."† All this was treason, under English law, and in a modern English colony would be severely punished and repressed. The

* It was addressed "To the Tradesmen and Mechanics of Pennsylvania." Copies are now rare. The one I have examined is in the collection of Mr. Joseph Y. Jeanes, of Philadelphia.

† Hosmer, "Life of Samuel Adams," p. 238.

boldness and impunity with which it was done show the effect of the conciliatory policy and the weakness of England.

Some of the patriots of the type of Cushing, of Massachusetts, or Reed and Dickinson, of Pennsylvania, advocated caution. We were not yet strong enough, not sufficiently united or sufficiently numerous, for a dash for independence. But Samuel Adams would have no delay. He was for forcing a conflict; striking at once; for, said he, "when our liberty is gone, history and experience will teach us that an increase of inhabitants will be but an increase of slaves."

The majority of the patriots were apparently for moderation, and had they had their way this episode would have been tided over. Their plan was quietly to prevent the landing and payment of duty on the tea; send it all back to England, and thus show that the tea act, the last remnant of the taxation system begun eight years before, was a failure. The act would then soon be repealed and taxation never again be attempted. It must be confessed that there were plausible reasons for supposing that this plan might have accomplished peaceful independence. "Our natural increase in wealth and population," said Cushing, "will in a course of years settle this dispute in our favor."

On the other hand, Samuel Adams and the radicals had strong grounds for believing that the course of years would not necessarily bring independence without a war to settle it. England would not finally recognize the absolute independence of the colonies without fighting. No nation had ever done so. The inherent right of a naturally separated people to be independent according to the rights of man, might be just and sound, but no nation has as yet recognized its justice. As there must be a

fight, it was better, the radicals thought, to have it now at once while our people were hot and England was so weak.* England might settle the taxation question satisfactorily, and in the future settle the smuggling question, and be so conciliatory that the mass of people, no matter how numerous they became, would forget the past and be content to live along under an easy yoke or with a sort of semi-independence.

The extravagant and even bombastic rhetoric that was used in speeches and resolutions to stir the people out of this easy frame of mind was commented on by English writers like Dean Tucker as showing not only the bad taste and vulgarity of the Americans, but the insincerity of the independence movement.

The tea-ships which came to Charleston, Philadelphia, and New York were handled by the moderate patriots. The Charleston ship arrived December 2. The consignees were induced to resign; but nothing more was done. The twenty days expired; the tea was seized by the customs officers and offered for sale to pay the duty; but no one would buy it; it could not be sold, and was stored in damp cellars until useless. From the point of view of the moderate patriots this was a proper way of solving the difficulty. It was perfectly lawful; there was no violence; the British government could make no complaint, and yet the tea act, the duty, and the plan of the East India Company were killed as dead as Cæsar.

At Philadelphia, printed circulars, some of which are still preserved, were sent to all the Delaware River pilots, reminding them in rather significant language not to bring

* For several years the argument had been insinuated that the weak, debt-ridden state of England had been ordained in the providence of God to give us a chance for independence.—Hosmer, "Life of Samuel Adams," p. 134.

any tea-ships up to the town. Nevertheless, a tea-ship got up the river as far as Chester. A town meeting was held and a committee went down to Chester to talk to the captain and the consignee. They used such well-chosen words that the next day the ship sailed down the river and returned to England.*

In a similar way the consignees at New York resigned and sent the tea back; and some tea that arrived at Portsmouth, New Hampshire, was sent away to Halifax. But the three tea-ships which came into Boston harbor fell into the hands of Samuel Adams and his followers, and then the trouble began.

The consignees in this case were five in number, including the two sons of Hutchinson, the governor, who, like their father, were devoted loyalists, believing in the supremacy of the British empire, and regarding American independence as a delusion and a crime. They would not resign. Town meetings were held upon them, committees visited them, violence was threatened, but they were firm. They did not, however, attempt to land the cargoes. The patriots placed a guard over the ships, and six horsemen held themselves ready to alarm the country towns. The radicals were determined to begin the active revolution at this point.

The owners and the captains of the ships were willing to take the tea back to England, but the custom-house officers would not give the ships a clearance until they had discharged their tea. Governor Hutchinson gave instructions that no ship should be allowed to pass the castle outward bound unless it had a permit, and he would not issue a permit unless the vessel first showed a clearance. Meanwhile, during these disputes the twenty days were passing. Some patriots advised moderation, and there was a strong

* Pennsylvania Magazine of History, vol. xv. p. 385.

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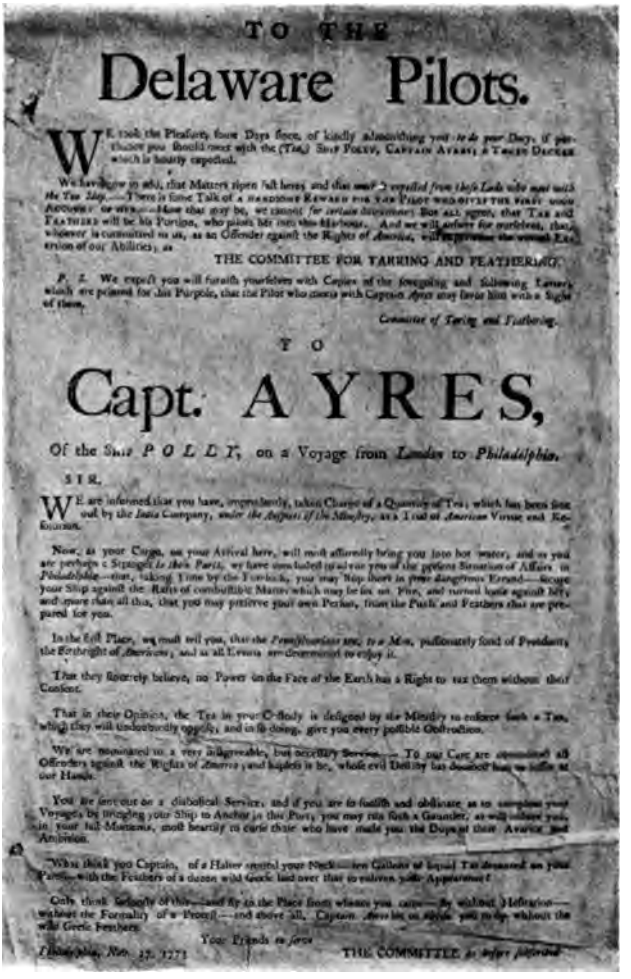

TO THE

Delaware Pilots.

WE took the Pleasure, some Days since, of kindly admonishing you *to do your Duty*, if perchance you should meet with the *(Tea)* SHIP POLLY, CAPTAIN AYRES, a TWEED DECKER which is hourly expected.

We have now to add, that Matters ripen fast here; and that *most 2 expected from those Lads who meet with the Tea Ship.*—There is some Talk of A HANDSOME REWARD FOR THE PILOT WHO GIVES THE FIRST GOOD ACCOUNT OF HER.—*How* that may be, we cannot *for certain* determine; BUT ALL agree, that TAR and FEATHERS will be his Portion, who pilots her into this Harbour. And we will answer for ourselves, that, whoever is committed to us, as an Offender against the Rights of *America*, will [illegible] the [illegible] Exertion of our Abilities; as

THE COMMITTEE FOR TARRING AND FEATHERING.

P. S. We expect you will furnish yourselves with Copies of the foregoing and following Letters, which are printed for this Purpose, that the Pilot who meets with Captain *Ayres* may favor him with a Sight of them.

Committee of Tarring and Feathering.

TO

Capt. AYRES,

Of the Ship *POLLY*, on a Voyage from *London* to *Philadelphia*.

SIR,

WE are informed that you have, imprudently, taken Charge of a Quantity of Tea, which has been sent out by the *India* Company, *under the Auspices of the Ministry*, as a Trial of *American* Virtue and Resolution.

Now, as your Cargo, on your Arrival here, will most assuredly bring you into hot water, and as you are perhaps a Stranger *to their Parts*, we have concluded to advise you of the present Situation of Affairs in *Philadelphia*—that, taking Time by the Forelock, you may Stop short in your dangerous Errand—secure your Ship against the Rafts of combustible Matter which may be set on Fire, and turned loose against her; and more than all this, that you may preserve your own Person, from the Pitch and Feathers that are prepared for you.

In the first Place, we must tell you, that the *Pennsylvanians are, to a Man*, passionately fond of Freedom, the Birthright of *Americans*; and as all Events are determined to enjoy it.

That they sincerely believe, no Power on the Face of the Earth has a Right to tax them without their Consent.

That in their Opinion, the Tea in your Custody is designed by the Ministry to enforce such a Tax, which they will undoubtedly oppose; and in so doing, give you every possible Obstruction.

We are nominated to a very disagreeable, but necessary Service.—To our Care are committed all Offenders against the Rights of *America*; and hapless is he, whose evil Destiny has doubted him to suffer at our Hands.

You are sent out on a diabolical Service; and if you are so foolish and obstinate as to complete your Voyage, by bringing your Ship to Anchor in this Port, you may run such a Gauntlet, as will induce you, in your full Mustrums, most heartily to curse those who have made you the Dupe of their Avarice and Ambition.

What think you Captain, of a Halter strained your Neck—ten Gallons of liquid Tar decanted on your Pattern—with the Feathers of a dozen wild Geese laid over that to enliven your Appearance?

Only think seriously of this—and fly to the Place from whence you came—by without Hesitation—without the Formality of a Protest—and above all, Captain *Ayres* let us advise you to do, without the wild Geese Feathers.

Your Friends *to serve*

Philadelphia, Nov. 27, 1773. THE COMMITTEE *as before subscribed.*

CIRCULAR TO PREVENT THE TEA-SHIP FROM COMING UP THE RIVER TO PHILADELPHIA

loyalist minority. But the party of violence was in the ascendant; the town was placarded with liberty posters; riders were posting back and forth from the neighboring towns, and the country people were beginning to flock into Boston.

The common statements in some of our histories that Governor Hutchinson was the vacillating and cowardly agent of tyranny are utterly without foundation. If he had been cowardly, he would have given the ships a permit, let them return to England, and thus have postponed the Revolution for another three or four years. He acted consistently with his own opinions and the conciliatory policy of the government. He abstained from any use of the men-of-war in the harbor or of the two "Sam Adams" regiments that were still down at the castle, where "Sam" had put them. He allowed the patriots themselves to guard the tea-ships. The war-ships or the soldiers could have taken possession of the tea-ships and prevented all that happened. But British sovereignty was on this occasion a mere spectator and visitor in its own dominions.

The difficulty might have been settled as in Charleston, by allowing the customs officials to seize the tea at the end of the twenty days. No one would have had the temerity to buy it, and it would then have been stored till it rotted. In fact, the consignees offered to have it stored until they should receive instructions from the East India Company what to do with it. But Adams and his people were too hot to take such chances. They were planning an outbreak, a truly Boston and Massachusetts outbreak which would be self-restrained, and yet sufficiently violent to force both England and America to an open contest on the one great question which lay beneath all the past eight years of wrangling.

They prepared everything for action on the night of the

16th of December, because two days after that the twenty days' limit would expire on the "Dartmouth," which had been the first ship to arrive. Seven thousand people filled the Old South Meeting House on that afternoon, while Rotch, the Quaker owner of the "Dartmouth," drove out to Milton to Governor Hutchinson's country place, to ask him for a permit to pass the castle. Every one knew or felt confident that the permit would be refused; so that this meeting cannot be called a deliberative one.

Darkness came on, and still the meeting waited. At last Rotch returned, and made the formal announcement that the permit had been refused. Samuel Adams arose and gave the signal that had evidently been agreed upon: "This meeting can do nothing more to save the country."

Immediately, as has been so often related, the warwhoop was heard, or resounded, I believe, is the usual expression, outside the door. Some forty or fifty men, painted and disguised as Indians, and with hatchets in their hands, suddenly appeared from some place where they had been waiting, and rushed down to the tea-ships, directly encouraged by Adams, Hancock, and the other patriots. The crowd formed around them as a protection, and posted guards about the wharf to prevent interference while the Indians worked with their hatchets. It is said that the vast crowd was perfectly silent, a most respectful Boston silence, and not a sound could be heard for three hours save the cracking of the hatchets on the chests of tea in all three ships.*

At the end of that time every pound of tea was in the

* There was not the slightest attempt by the governor, the fleet, or the army to interfere with the work of the mob. The admiral of the fleet is said to have stood in the street as the crowd returned, good-naturedly joked with them, and said that having had their sport they might soon have to pay the piper.

water, and the proceedings, so like a great deal of our lynch law, were ended. It was a serious business for the people concerned; but now that we are too far away to feel the seriousness it seems really comical. The most comical part of it was that the Indians claimed particular credit for not having injured any other property on the ships, and declared that "all things were conducted with great order, decency, and perfect submission to government." Our ancestors had a fine sense of humor.

From the point of view of Samuel Adams, I suppose there never was a piece of liberty or revolutionary rioting that was so sagaciously and accurately calculated to effect its purpose, and not go too far. If it had been very violent disorder, or brutality, it might have alienated moderate or doubtful patriots whom it was important to win over. But it was so neat, gentle, pretty, and comical that to this day it can be described in school-books without much danger of the children at once seeing that it was a riotious breach of the peace, a lawless violation of the rights of private property, and an open defiance of governmental authority. In England, however, the violence of it was sufficiently apparent to break up for a time the conciliatory policy and to bring upon the Massachusetts colonists such punishment as the radical patriots hoped would arouse the fighting spirit.*

It is possible that it was intended as an example which would be followed in one or two other colonies, and thus bring on a general punishment that would arouse them all; but that did not happen. It had no effect on the

* Hosmer, "Life of Samuel Adams," p. 243; Hutchinson, "History of Massachusetts," vol. iii. p. 423; Barry, "Massachusetts," chap. xiv.; Ramsay, "American Revolution," vol. i. chap. iii.; Holmes, "Annals," vol. ii. p. 181; "The Origin of the American Contest with Great Britain," p. 39, New York, 1775.

[illegible] a week afterwards, quietly [illegible] back to England. [illegible] December [illegible] moderately. [illegible] against [illegible] and the whole punishment was [illegible]

[illegible] Samuel Adams and who [illegible] in this [illegible] disappears [illegible] which has [illegible] represents what would seem to [illegible] prosperous merchant, [illegible] and jaw proud of his wealth [illegible] ability in business [illegible] part of this portrait which [illegible] jaw. Samuel Adams was [illegible] seldom well dressed, was not at all [illegible] He was always poor. He failed [illegible] was [illegible] and careless with money [illegible] in fact, no liking for [illegible] in any [illegible] except politics. He lived with his family in a [illegible] house on Purchase Street and when in 1774 [illegible] elected a delegate to the Continental Congress at Philadelphia, his admirers had to furnish the money to make him look respectable.

However some may despise him, he has certainly very many friends. For not long since, some persons (their names unknown) sent and asked his permission to build him a new barn, the old one being decayed, which was executed in a few days. A second sent to ask leave to repair his house, which was thoroughly effected soon. A third sent to beg the favor of him to call at a tailor's shop, and be measured for a suit of clothes, and choose his cloth, which were finished and sent home for his acceptance. A fourth presented him with a new wig, a fifth with a new hat, a sixth with six pairs of the best silk

hose, a seventh with six pairs of fine thread ditto, an eighth with six pairs of shoes, and a ninth modestly inquired of him whether his finances were not rather low than otherwise. He replied it was true that was the case, but he was very indifferent about these matters, so that his poor abilities were of any service to the public; upon which the gentleman obliged him to accept a purse containing about fifteen or twenty Johannes."—Hosmer, "Life of Samuel Adams," p. 308.

All this assistance Adams was not too proud to accept. He had long been engaged in small local politics, and when tax-collector had been short in his accounts and threatened with ruin.* The patriots, of course, forgave him this lapse, which was not repeated; but Englishmen and loyalists never forgot it. When coupled with his shiftlessness and shabbiness and the gifts of money and clothes to make him presentable in the Congress, it is easy to understand the indignation, contempt, and disgust which were entertained for him by those who were opposed to the rebellion. Such a disloyal and dishonest movement, they would say, naturally had a shabby rascal for its leader.

On the other hand, Adams was a man of good education, and the public documents he prepared show considerable ability. His speeches, though at times somewhat turgid and violent, seem to have been well suited to their purpose. He was a most competent politician and a good organizer of agitation. He understood the temper of the people from the bottom up, and was so skilful in drawing the ship-caulkers into the revolution movement that some trace to this source the origin of our word caucus. An account of his language and advice to such people, to fight England, to "destroy every soldier that dare put his foot on shore," and that "we shall have it in our power to give laws to England," has been preserved, and by the English law it was pure treason.†

* Hosmer, "Life of Samuel Adams," pp. 37–47, 240.

† Ibid., p. 117.

Adams had also a constitutional tremulousness of his head and hands, which did not improve loyalist opinion of him. He was one of those men whom we call a devoted and enlightened patriot, or slippery scoundrel, conspirator, and fanatic, according as we are on the side of the government or of the rebellion. His best ability was shown in agitation in the early stages of the Revolution, in attending to the small details of organization, while men of larger capacity were still partially absorbed in their business or professions.

That charmingly ingenuous statement that all the hatchet work on the tea-ships had been done "in perfect submission to government" had no mitigating effect in England. The destruction by a mob of over £15,000 worth of tea, the private property of the East India Company, awoke Parliament from its dream of conciliation. That the mob had been guided by respectable and wealthy men like Hancock, Molineaux, Warren, and Young, who prevented uproar and noise and enforced decency and order, made it all the worse in English eyes. Parliament and the ministry resolved at all hazards and at any cost to establish British sovereignty in America. Leniency and conciliation had been carried too far.

January and February passed, and during March, 1774, Parliament debated the punishment that should be inflicted on Boston for this "unpardonable outrage," obviously leading "the way to the destruction of the freedom of commerce in all parts of America." If such an insult, it was said, had been "offered to British property in a foreign port, the nation would have been called upon to demand satisfaction for it."

Two principal measures and two subsidiary or minor measures were decided upon. The first was that the town of Boston must be fined and pay damages for allowing

private property to be destroyed by a mob within her limits. This was based on a legal principle recognized to this day in both England and America, that a county or town which fails to keep the peace is liable in damages to private individuals if their property is destroyed. In several instances in England towns had been fined for allowing individuals or their property to be injured. London had been fined in the time of Charles II., when Dr. Lamb was killed, Edinburgh in a similar instance, and part of the revenue of Glasgow had been sequestrated until satisfaction was made for the pulling down of Mr. Campbell's house.

The question was, how could such a rebellious town as Boston be compelled to pay damages; how could she be fined? There was no use in beginning civil or penal suits in her courts, because no verdict against her could be obtained. More important still, how could security be obtained for the future "that trade may be safely carried on, property protected, laws obeyed, and duties regularly paid?"

All this, it was said, could be accomplished by closing Boston harbor by act of Parliament and the blockade of a fleet. No trading vessels and no commerce should pass in or out. The custom-house officials, "who were now not safe in Boston or safe no longer than while they neglected their duty," should be moved to Salem. This closing of the port of Boston should continue until Boston, by her own official act, paid for the £15,000 worth of tea she had allowed to be destroyed and reimbursed the customs officials for damage done by the mobs in 1773 and January, 1774. When the governor should certify that this had been done and that the colony was peaceable and orderly, the blockade should be removed and the port opened.*

* Annual Register for 1774, vol. xvii.

This measure was carried out by an act of Parliament known in history as the Boston Port Bill. Under this law the fleet and armed power of England for the first time in this long controversy did their work. The port was actually closed, and this was the first strong measure taken to establish British sovereignty.

The patriot party refused to allow the town to pay any damages. They said that the town had no legal power to pay them.* They also refused to punish any of the disguised persons who had destroyed the tea. The names of these persons were known to many, and have been published,† but in 1774 they were well protected by their fellow-colonists.

In order to keep our heads clear in considering these great events, we must remember that many of the Whigs and some of the best friends of the colonies in England, especially Colonel Barré, their eloquent defender in Parliament, were in favor of the Boston Port Bill as a just and proper punishment, in the interests of good order, for the unpardonable mob violence in destroying the cargoes of peaceful British merchant vessels. "I like it," said Barré, "adopt and embrace it for its moderation." Franklin also, it will be remembered, was always in favor of paying for the tea as a conciliatory step to bring about a peaceable settlement.‡

Englishmen argued that if such acts as destroying the tea were allowed to go unpunished, British commerce would not be safe. The Boston people, they said, can easily escape from any hardships they suffer from the closing of their port by simply paying for the tea. The punishment is not

* "Observations on the Act of Parliament commonly called the Boston Port Bill," Boston, 1774.

† Drake, "Tea-Leaves," pp. 84, 85.

‡ Works, Bigelow edition, vol. v. pp. 452, 454; vol. vii. p. 8.

tyranny, because it is not intended to be perpetual. It will not last an hour after they make reparation. It all rests with themselves. It will last only until those who committed the outrage have the honor and honesty to repair it.

The patriots argued that the punishment included the innocent with the guilty, and punished the whole town for the acts of a few. It was absurd, they said, to ask Boston to pay for the tea, because by closing her port the town within a few weeks lost far more than the value of the tea. Instead of such wholesale punishment, the government should proceed in the regular way in the courts of law and obtain damages, if any were due. It would certainly have been rare sport for the patriots to see the government trying to obtain verdicts from Boston juries.

The closing of the port was intended to be severe, and it was severe. Within a few weeks thousands of people were out of work and threatened with starvation. Would Boston be able to hold out indefinitely, or must she at last pay for the tea and the other damage in order to have her port and livelihood restored?

The people of the country districts rallied to her assistance and began sending in supplies of food. Soon this system spread to the other colonies; provisions and subscriptions in money began streaming along all the colonial roads, even from far down in the Southern colonies. If this could be kept up England was beaten again; for the patriot party in Boston would hold out against paying for the tea as long as it was possible.

The supplies were continued for over a year.* But such

* The loyalists, who were now beginning to be heard from, objected to these supplies. Boston, they said, was becoming too important. Let her take care of herself. One of them complained that it seemed as if "God had made Boston for Himself, and all the rest of the world for Boston."—"The Congress canvassed," p. 17, New York, 1774.

a contest could not be kept up indefinitely. A break would have to come, and what that break should be depended on how much rebellion and independence Massachusetts could arouse in the other colonies.

The second measure of punishment was an act of Parliament accomplishing the long-threatened change in the Massachusetts charter, so that the colony could be held under control and prevented from rushing at its will to rebellion and independence. The change provided that the governor's council, heretofore elected by the legislative assembly, should be appointed by the crown; that the governor should appoint and remove at pleasure judges, sheriffs, and all executive officers; that the judges' salaries should be paid by the crown instead of by the legislature; that town meetings should be prohibited, except by permit from the governor; that juries, instead of being elected by the inhabitants, should be selected by the sheriffs.

This alteration of the charter was as fiercely denounced as the Port Bill, and the echoes of that denunciation are still repeating themselves in our history. But it did not go anything like so far as we ourselves have gone in governing dependencies. It merely made Massachusetts more of a crown colony than she had been before; a sort of colony which still exists under the British system. There are to-day dependencies of Great Britain which have no better government than that which the alteration in the Massachusetts charter provided, and many that have less self-government than was left to Massachusetts. But compared with the semi-independence Massachusetts had once known, and the absolute independence she was seeking, this alteration was a punishment which set her patriot party furious with indignation.

This alteration, this withdrawal of a part of self-government, said the supporters of the ministry, is only tempo-

rary until reparation is made and peace established. William III., that great founder of liberty, once withdrew all self-government from both Maryland and Pennsylvania without even an act of Parliament; and George I. took the government of South Carolina into his own hands.*

Two minor measures of punishment were adopted,—a law providing that persons indicted by the colonists for murder in suppressing riots might be taken for trial to another county or to England; and a law legalizing the quartering of troops on the inhabitants in the town of Boston. All these measures of punishment became laws before the first of April, and were put in force in June, 1774.

Thoroughly aroused at last to the necessity of the most strenuous endeavors, Parliament at this same time passed the famous Quebec Act. There was supposed to be danger that the French colonists in Canada might join the union that was forming to the south of them. Massachusetts and the patriot party had as yet done nothing to secure the Canadians. It would be well, therefore, to cut off all chance of such action, and accordingly the Quebec Act gave to those French people their Roman Catholic religion established by law, and the French code of laws.

That England should establish Romanism by law in any of her possessions was certainly an extraordinary occurrence. The strong Protestant feeling in New England was outraged. The whole patriot party were indignant also, because this Quebec Act extended the boundaries of Canada down into the Ohio Valley, and established what was then considered an extremely arbitrary crown colony government of a governor and council appointed by the

* "The Address of the People of Great Britain to the Inhabitants of America," p. 49, London, 1775.

king, without any legislature or representation of the people, and without trial by jury.* The Quebec Act was given in the Declaration of 1776 as another reason for seeking independence.

The Quebec Act has sometimes been described as a bold, sagacious piece of statesmanship which saved Canada to England. But it was unnecessary; for, as we shall see, there was little or no chance of the Canadians joining the rebellious colonies; and the act, which is still part of the Canadian Constitution, built up the power of an alien race, gave to their religion the control of the school fund and other privileges which have caused endless discord, and may in the end make Canada more French than English.

Governor Hutchinson, of Massachusetts, immediately after the tea episode, obtained leave of absence to visit England, and never returned. General Gage, who had just returned from New York, was made civil governor of Massachusetts and commander-in-chief of the British forces. He went out to Boston in June with four regiments, took possession of the town, and enforced the new laws.

The calculation of the British ministry was that these punishments would compel Massachusetts to submit; or, if she openly rebelled, she would be isolated from the rest of the country, which would not care to countenance her violence and extreme proceedings. If, on the other hand, alone and unaided, she should persist in rebellion, that would give the opportunity to teach a lesson and crush her completely by force.

It was a shrewd and wise calculation, and in nine cases out of ten would have been justified by events. Great

* "The Other Side of the Question; or, A Defence of the Liberties of North America," p. 23, New York, 1774; Hamilton, Works, Lodge edition, vol. i. p. 173.

Britain has broken the independent, national spirit of not a few people by dividing them. It was a nice question, how far homogeneousness, the secret longing for independence and nationality, which was causing all this violence and law-breaking, had proceeded in the American colonies. Was it enough to bring them all, including the French in Canada, to the side of wounded, struggling Massachusetts?

That daring, audacious colony cried aloud for aid. She did not submit; she did not wait for the other colonies to repudiate her. She called on them for assistance. She demanded a congress of delegates from all of the colonies to consider her plight as a national question concerning them all. But the word "national" could not be used, for divers good reasons; so "continental" was used instead; and the congress is still known as the "Continental Congress."

It assembled in Philadelphia, September 5, 1774; for there were people in all the colonies who sympathized with Massachusetts. In some way or other the rebellious ones in all the colonies except Canada, Georgia, and Florida managed to send representatives of their feelings and opinions. The mere fact of such a body assembling was a distinct menace to British sovereignty, and brought the inevitable conflict one step nearer.

The loyalists complained that this congress was created in an irregular, one-sided manner, and could not be called representative. They ridiculed and denounced most unsparingly the methods that were used. It was certainly not representative in the sense in which the word is usually understood. It was not chosen by a vote of the people at large. The delegates sent by Connecticut, by the New York counties, by New Jersey, and by Maryland were chosen by the committees of correspondence without any vote of the people at large. These delegates

were, therefore, merely the representatives of the patriot movement in those colonies. The loyalists, who were now beginning to increase in numbers, had no voice whatever. In Massachusetts, Rhode Island, and Pennsylvania the delegates were chosen by the legislative assemblies, which in those provinces happened to be more or less in control of the patriot party.* In Massachusetts, with the British army now strongly in control, loyalism was gaining ground, and it is not improbable that a reactionary delegation, if not a loyalist one, would have been sent had it not been for the shrewd tactics and rather violent proceedings of Samuel Adams. The description of his cautious manipulation, and final locking of the door and putting the key in his pocket, is most amusing, as well as a striking illustration of the way in which the delegates were chosen.† The delegation sent by the Pennsylvania Assembly was in many respects a moderate one, which afterwards had to be changed for one more in sympathy with radical patriotism. It contained one member, Joseph Galloway, who was a loyalist. Apparently it was not altogether safe to let an assembly send the delegates. The surer way was for the committees of correspondence to send them.

The patriots of each colony, however, decided the question for themselves according to their circumstances, and seem to have known what they were about, for they were successful enough in every instance. South Carolina appears to have sent her delegates by a general convention of the white people of the province. These delegates were as stanch for patriotism as any that appeared. Either the loyalists were very few, or they were absent or

* In Delaware the delegates were sent by a convention composed apparently of the members of the legislature.

† Hosmer, "Adams," pp. 290–297.

passive. A few years afterwards they were very numerous, and seem to have constituted fully half the population of the province. In the town of New York a vote appears to have been taken by wards, but whether only among the patriot party, or generally, is not determined. In New Hampshire the towns appear to have appointed deputies who met together July 2 and chose the delegates to the Congress. The only instance where there seems to have been a chance for a perfectly free vote of all the people was in South Carolina, although there may have been a chance in New Hampshire and in the town of New York.*

* "An Alarm to the Legislature of the Province of New York," p. 4, New York, 1774; "The Congress canvassed," p. 10, New York, 1774; "A View of the Controversy between Great Britain and her Colonies," etc., pp. 7, 8, New York, 1774; "Galloway's Examination before Parliament," p. 11; Journal of Continental Congress, vol. i., gives the certificates showing the method of appointment.

VI

THE FINAL ARGUMENT

WHILE the Congress is debating, it may be well to consider the point of development to which patriot opinion had now attained. They had abandoned their old distinction between external and internal taxes, but they kept the empty form of it in their pamphlets, even when in the same pamphlet they were arguing that Parliament had no authority at all over the colonies. In abandoning the old distinction, there was no place where they could stop short of denying all authority of Parliament. That was a serious undertaking, because they had to deny the validity not only of their own previous admissions, but also the validity of acts of Parliament under which they had been living for many generations.

At the same time they must prove that in spite of all this they were still loyal, and this clinging to the old and the new makes a great deal of the reasoning in their pamphlets obscure and confused until we have the key. We must pardon them for this obscurity, because, if England chose to enforce her laws against treason, the course they were on might prove to be a hanging business.

Nevertheless, in the year 1774 they were prepared for this supreme effort to get rid of Parliament entirely. Study and reflection culminated in that year. Both sides got down to bed-rock, and in this period we find the best and strongest pamphlets. They went so far that there was nothing more to be said.

The argument by which the patriots professed to dispose entirely of all parliamentary authority, sweep out of exist-

ence their own damaging admissions, and also appear in the light of "dutiful and loving children," was most ingenuous. Even if Parliament, they said, had taxed and regulated the colonies internally, and the colonists themselves had solemnly admitted the right, yet, in reason and on principle, Parliament had no such right. Parliament's long course of conduct regulating colonial internal affairs was a usurpation. The colonies had not resisted that usurpation; had, perhaps, not even protested much against it, because there was not a great deal of it, and as the Continental Congress put it, they "were too sensible of their weakness to be fully sensible of their rights."

The colonial charters were now the great subject of discussion, and the pamphleteers of both sides tore and worried at them like hungry dogs. These charters, the patriots said, contained words which cut off Parliament entirely from any control of those much-discussed internal affairs, or vital organs of the colonies. Some of the charters, they said, might at first appear non-committal, or seem to say nothing directly about the authority of Parliament. But these non-committal ones often contained general expressions giving a great deal of vague authority to the colony or to its legislature; and an attempt was made to show that authority so vague and general must be exclusive and imply an extinguishment of any rights of Parliament.

Queen Elizabeth's charter to Sir Walter Raleigh gave him such vast prerogatives and privileges in America, was so sweeping and general, that it must have been intended to exclude the authority of Parliament. The first Virginia charter provided that the colony was to be ruled by such laws as the king should make, which necessarily excluded, it was said, the making of laws by Parliament. There was a clause which said that the colonists should have the

same liberties in other British dominions "as if they had been abiding and born within our realm of England," which showed that the colony was a territory outside of the realm, and therefore, inferentially, outside of all authority of Parliament. The second Virginia charter declared that all the colony's privileges were to be held of the king, which again excluded all authority of Parliament. Indeed, such charters as those of Connecticut and Rhode Island, which gave such large privileges to the colonists, and spoke only of the colonists and the king without any mention of Parliament, seemed to exclude the authority of Parliament.

Diligent students also found instances where the action of British officials, and even of Parliament itself, looked in the same direction. In April, 1621, a bill was introduced in Parliament for indulging British subjects with the privilege of fishing on the coast of America; but the House was informed through the Secretary of State, by order of his Majesty, King James, that "America was not annexed to the realm, and that it was not fitting that Parliament should make laws for these countries."

This was certainly strong evidence, and supported all that had been said. The evidence became stronger still when they found that some years afterwards, in the reign of Charles I., the same bill was again proposed in Parliament, and the same answer made that "it was unnecessary; that the colonies were without the realm and the jurisdiction of Parliament."*

These charters and the action of high officials seemed to show that in the early days Parliament had no authority

* "The Farmer refuted; or, A More Impartial and Comprehensive View of the Disputes," etc., p. 27; Hamilton, Works, Lodge edition, vol. i. pp. 53, 89; "An Address on Public Liberty in General and American Affairs in Particular," p. 17, London, 1774.

whatever over the colonies; could not tax them, and could not regulate their internal affairs in any way whatsoever. The colonies were, in short, outside the realm and to be controlled only by the king.

There was one charter, however, that of Pennsylvania, granted in 1681, which looked the other way. It provided in unmistakable language that the king would never levy any custom or tax on the inhabitants of the province except "with the consent of the proprietors, or chief governor or assembly, or by *act of Parliament in England*." That was a flat contradiction of the doctrine drawn from the other charters, and what could be done with it?

Pennsylvania could surely be taxed by Parliament as much as Parliament pleased; and her people had no possible excuse for their rebellion except to call it by its name and fight it out. Their pamphlets defending their conduct on the ground of legal right were palpably absurd, so far as themselves were concerned.

The loyalist writers used this Pennsylvania clause with great effect. The patriot writers either ignored it altogether or, like young Hamilton, boldly declared that it was a mistake, and, being inconsistent with the other documents, must be rejected. That was the only way to dispose of it, and, having done that, one might go on with the argument.

The king had originally granted the charters to the colonies because in the early times Parliament had no power to charter corporations. He had also given the colonists the title to the land they were to occupy in America, for Parliament had not then the right to grant away the public domain. He had also given the colonists permission to leave the realm, a permission which at that time could be granted only by the king. These facts showed, it was said, that the colonies were exclusively the

king's property, and that Parliament had nothing to do with them. They were completely outside of its jurisdiction, and were to be ruled by the king alone.

This meant no rule at all, because the king had now lost nearly all his old powers, which had been absorbed by Parliament. But this thread of attachment to the king was important to save the argument from being treason. It was, of course, much ridiculed by the loyalists as well as by people in England.*

"Here we have a full view of the plan of the delegates of North America, which, when examined, appears to be that of absolute independence on the mother-state. But conscious that a scheme which has so great a tendency to the forfeiture of her rights, and so destructive to her safety and happiness, could not meet with the approbation and support of the colonists in general, unless in some measure disguised, they have endeavored to throw a veil over it, by graciously conceding to the mother-state a whimsical authority, useless and impractical, in the nature."—"A Candid Examination of the Mutual Claims of Great Britain and the Colonies," p. 27, New York, 1775.

The argument was, in effect, that the colonies were independent in government and merely under the protecting influence of the king, who would keep foreign nations from interfering with them, a condition which in international law is called a protectorate. They could not be brought into subjection to Parliament, because the king, as Edward Bancroft put it, "had a right to constitute distinct states in America," and had so constituted the colonies. No power could unite them to the realm or to

* The loyalist versifier, "Bob Jingle," had some rhymes on the subject in his poem called "The Association."

"And first and foremost we do vow
(As it is politic)
Allegiance to his Majesty,
Whom we intend to trick.

"Affection for old England Folk,
Whom we do Brethren call,
We do profess, but here's the joke,
For faith, we'll starve 'em all."

the authority of Parliament without the consent of the king and their own consent, given as formally and as solemnly as Scotland gave her consent to the union with England. Such consent, so far as the colonies were concerned, had never been given.*

This patriot argument, however, had no effect. The English and the loyalists had an answer which swept all this learned and ingenious reasoning into the sea.

All these instances of the exclusion of the authority of Parliament from the colonies occurred previous to the year 1700; not a single instance could be found after that date. In fact, a totally reverse condition could be found; for it was since that time that Parliament had been habitually regulating the internal affairs of the colonies; and until quite recently the colonists had submitted to it.

Those charters containing clauses impliedly excluding Parliament from the government of the colonies, and those admissions by British officials to the same effect, were previous to the revolution of 1688, by which any power there might have been in the crown to dispense with or abrogate laws or rights of Parliament was abolished. If the king, in granting those early charters, intended to abrogate or dispense with the taxing power or any other legislative power of Parliament in the colonies, those charters were to that extent now void, because the dispensing power of the English kings had been abolished by the revolution of 1688, which put William III. on the throne. In other words, the dispensing power had been abolished for nearly a hundred years; and the colonists, as good Whigs and lovers of liberty, would surely not uphold the wicked dis-

* "Remarks on the Review of the Controversy between Great Britain and her Colonies," pp. 48, 49; Jenkyns, "British Rule and Jurisdiction beyond the Seas," p. 165.

pensing power of the Stuart kings against whom their Puritan ancestors had fought.*

Moreover, said Englishmen, the present King George III., whom the colonists pretend to be so anxious to have govern them, to the exclusion of Parliament, is king by the act of Parliament which placed the house of Hanover on the throne. The colonists are, therefore, compelled to acknowledge that Parliament can give them a king, which is, of all other things, the highest act of sovereignty and legislative power. If Parliament has the right to give them a king, it surely has the right to tax them or rule them in every other way. Since the revolution of 1688 Parliament has become omnipotent. One hundred years ago it may have been the law that Parliament had no authority in the colonies, but within the last hundred years the law has evidently changed, for Parliament has been exercising in them a great deal of authority, which the colonists cannot deny.

The colonists were, therefore, asking for independence of Parliament under an ancient form of the British Constitution,—a form which had been abolished in the previous century by their friends the Whigs and William III. In the time of those old Virginia charters Parliament was of little importance and small authority. Sometimes many years passed without a Parliament being held.

* It was and still is the unbroken opinion of English lawyers that all charters which kings had granted were since 1689 subordinate to the will of Parliament. Indeed, any one who has made the slightest attempt to understand the development of English history knows that for a century previous to 1689, under the Stuart kings, the great contest was whether Parliament had any power at all. That was the problem with which Cromwell struggled, and the problem which William III. solved in favor of Parliament in 1689. See Bernard's "Select Letters on the Trade and Government of America," London, 1774.

The king was then necessarily the important power in the government. He both created and governed the colonies.* But Parliament had now become vastly more powerful. It was in session part of every year. The revolution of 1688, the steady development of ideas, the needs of a nation that was rapidly increasing its trade and commerce and adding new conquests and territories to its domain, compelled a very different, a more powerful, far-reaching Parliament than that of the time of Charles I., who hated Parliaments and tried to rule without them.

Parliament had abolished the former powers of the king and extended itself to every part of the empire, just as to-day the power of Parliament is sovereign and unlimited over all the British colonies. To suppose that there was any part of the empire to which the whole power of Parliament did not extend was as absurd in 1774 as it is to-day. It had the same authority over the people in America that it had over the people in London.

"It is a contradiction, in the nature of things," said one of the ablest loyalists, "and as absurd as that a part should be greater than the whole, to suppose that the supreme legislative power of any kingdom does not extend to the utmost bounds of that kingdom. If these colonies, which originally belonged to England, are not now to be

* Before the revolution of 1688 the land of the colonies and the government of them were supposed to be the absolute property of the king. The Parliament was scarcely allowed to have anything to do with them. But after 1688 the power of Parliament extended over everything. "The Right of the British Legislature to tax the American Colonies," pp. 18, 19, London, 1774; "The Address of the People of Great Britain to the Inhabitants of America;" "The Supremacy of the British Legislature over the Colonies candidly discussed," London, 1775. See, also, "The Claim of the Colonies to an Exemption from Internal Taxes examined," London, 1766; American Historical Review, vol. i. p. 87.

regulated and governed by authority of Great Britain, then the consequences are plain. They are not dependent upon Great Britain; they are not included within its territories; they are not part of its dominion; the inhabitants are not English, they can have no claim to the privileges of Englishmen; they are, with regard to England, foreigners and aliens; nay, worse, as they have never been legally discharged from the duty they owe it, they are rebels and apostates." — "A Friendly Address to all Reasonable Americans," p. 3, 1774.

VII

THE RIGHTS OF MAN

THE patriot party's definition of a colony as an independent state with its independence guaranteed and protected by the British crown was not then, and never has been, accepted by Great Britain. A protectorate is quite distinct from a colony.

To the Romans the word colony meant a conquered province, garrisoned and controlled by military authority, governed by officials sent out from Rome, and held as the property of the empire for the benefit and profit of the Roman people, very much as crown colonies are held by England. To the Greeks it meant a separate community, planted by the mother-country, to become almost immediately self-sustaining and independent, and to be assisted at times in its wars by the mother-country. In England the term has usually meant an outlying community of people, completely under the authority of Parliament, with no self-government at all, or with a certain amount of representative or self-government, according to circumstances, but with no view to ultimate independence.

The American idea was altogether Greek. They had approximated towards it, especially in Connecticut, Rhode Island, and in early times in Massachusetts, before the French were driven from Canada. The moderate patriots were now for independence, but wishing to avoid, if possible, the question of treason and a civil war, and many of them being uncertain as to their ability to stand alone against France and Spain, or their own disunion and sectionalism, they expressed a willingness to have a protec-

torate from the British crown, in return for which they would assist the king in his wars by voluntarily voting him supplies in their legislative assemblies.*

While in their documents they professed to believe that England was so good and great that she would in the end take their view of the situation, most of them were well aware that there was every probability that she would reject both their definition of a colony and their definition of loyalty. They knew the weakness of their argument for entire freedom from Parliament, and they sought for stronger, broader ground, an argument which would in the nature of things justify revolution, or, if you please, rebellion, under certain circumstances.

I have already intimated that they were much influenced by certain doctrines known as the rights of man. In their pamphlets we find frequent reference to those ideas and also to certain writers who were the exponents of them,—Grotius, Puffendorf, Locke, Burlamaqui, Beccaria, Montesquieu, and others. The patriots relied on these doctrines for the right which they now claimed of governing themselves independently of Parliament, with a mere protectorate from the British crown. Two years later they relied on the same doctrines for breaking off all relations with Great Britain and establishing absolute independence.

* This doubt as to their ability to stand alone, which as time went on turned many patriots into loyalists, is well expressed in a letter from Robert R. Livingston to his son, who had been elected to the Continental Congress of 1775: "Every good man wishes that America may remain free. In this I heartily join; at the same time I do not desire that we should be wholly independent of the mother-country. How to reconcile these jarring principles, I confess I am altogether at a loss. The benefit we receive of protection seems to require that we should contribute to the support of the navy if not to the armies of Britain."—De Lancey's note, Jones, "New York in the Revolution," vol. i. p. 712.

Those books and doctrines were very remarkable literature. Two of them alone, Locke's and Burlamaqui's small volumes, wrought as much harm to the cause of the British empire as the efforts of some of the patriot leaders. Beginning with Grotius, who was born in 1583, and ending with Montesquieu, who died in 1755, the writers mentioned covered a period of about two hundred years of political investigation, thought, and experience. In fact, they covered the period since the Reformation. They represented the effect of the Reformation on political thought. They represented also all those nations whose opinions on such subjects were worth anything. Grotius was a Dutchman, Puffendorf a German, Locke an Englishman, Burlamaqui an Italian Swiss, and Montesquieu a Frenchman.

Hooker, who lived from 1553 to 1600, and whom Locke cites so freely, might be included in the number, and that would make the period quite two hundred years. Hooker, in his "Ecclesiastical Polity," declared very emphatically that governments could not be legitimate unless they rested on the consent of the governed. Locke enlarged and drew out this thought so liberally that the prevailing party in England before the revolution of 1688 thought it necessary to exile him.

There were, of course, other minor writers; and the colonists relied upon them all; but seldom troubled themselves to read the works of the earlier ones, or to read Hutchinson, Clarke, and other followers of that school, because Locke, Burlamaqui, and Beccaria had summarized them all and brought them down to date. Burlamaqui's book was particularly remarkable. To this day any one going to the Philadelphia Library, and asking for No. 77, can take in his hands the identical, well-worn volume which delegates to the Congress and many an unsettled

Philadelphian read with earnest, anxious minds. It was among the first books that the library had obtained; and perhaps the most important and effective book it has ever owned.*

The rebellious colonists also read Locke's "Two Treatises on Government" with much profit and satisfaction to themselves. Locke was an extreme Whig, an English revolutionist of the school of 1688. Before that great event, he had been unendurable to the royalists, who were in power, and had been obliged to spend a large part of his time on the continent. In the preface to his "Two Treatises," he says that they will show how entirely legitimate is the title of William III. to the throne, because it is established on the consent of the people. That is the burden of his whole argument,—the consent of the people as the only true foundation of government. That principle sank so deep into the minds of the patriot colonists that it was the foundation of all their political thought, and became an essentially American idea.

Beccaria, who, like Burlamaqui, was an Italian, also exercised great influence on the colonists. His famous book, "Crimes and Punishments," was also a short, concise, but very eloquent volume. It caused a great stir in the world. The translation circulated in America had added to it a characteristic commentary by Voltaire. Beccaria, though not writing directly on the subject of liberty, necessarily included that subject, because he dealt with the administration of the criminal law. His plea for more humane and just punishments, and for punishments more

* The colonists were also fond of reading Montesquieu's "Spirit of the Laws," but more in after years when they were framing their constitutions. He dealt more with the details of governmental administration, the legislative, executive, and judicial departments. Burlamaqui confined himself exclusively to the fundamental principles of political liberty and independence.

in proportion to the offence, found a ready sympathy among the Americans, who had already revolted in disgust from the brutality and extravagant cruelty of the English criminal code.

But Beccaria also stated most beautifully and clearly the essential principles of liberty. His foundation doctrine, that "every act of authority of one man over another for which there is not absolute necessity is tyrannical," made a most profound impression in America. He laid down also the principle that "in every human society there is an effort continually tending to confer on one part the highest power and happiness, and to reduce the other to the extreme of weakness and misery." That sentence became the life-long guide of many Americans. It became a constituent part of the minds of Jefferson and Hamilton. It can be seen as the foundation, the connecting strand, running all through the essays of the *Federalist*. It was the inspiration of the "checks and balances" in the national Constitution. It can be traced in American thought and legislation down to the present time.

Burlamaqui's book, devoted exclusively to the subject of liberty and independence, is still one of the best expositions of the true doctrines of natural law, or the rights of man. He belonged to a Protestant family that had once lived at Lucca, Italy; but had been compelled, like the family of Turretini, and many others, to take refuge in Switzerland. He became a professor at Geneva, which gave him the reputation of a learned man. He also became a counsellor of state and was noted for his practical sagacity.

He had intended to write a great work in many volumes on the subject to which he had devoted so much of his life,—"The Principles of Natural Law," as it was then called. Ill health preventing such a huge task, he pre-

pared a single volume, which he said was only for beginners and students, because it dealt with the bare elements of the science in the simplest and plainest language.

This little book was translated into English in 1748, and contained only three hundred pages; but in that small space of large, clear type, Burlamaqui compressed everything that the patriot colonists wanted to know. He was remarkably clear and concise, and gave the Americans the qualities of the Italian mind at its best. He aroused them by his modern glowing thought and his enthusiasm for progress and liberty. His handy little volume was vastly more effective and far-reaching than would have been the blunderbuss he had intended to load to the muzzle.

If we examine the volumes of Burlamaqui's predecessors, Grotius, Puffendorf, and the others, we find their statements about natural law and the rights of man rather brief, vague and general, as is usual with the old writers on any science. Burlamaqui brought them down to date, developed their principles, and swept in the results of all the thought and criticism since their day.

The term natural law, which all these writers used, has long since gone out of fashion. They used it because, inspired by the Reformation, they were struggling to get away from the arbitrary system, the artificial scholasticism, the despotism of the middle ages. They were seeking to obtain for law and government a foundation which should grow out of the nature of things, the common facts of life that everybody understood. They sought a system that, being natural, would become established and eternal like nature; a system that would displace that thing of the middle ages which they detested, and called "arbitrary institution."

Let us, they said, contemplate for a time man as he is in himself, the natural man, his wants and requirements.

"The only way," said Burlamaqui, "to attain to the knowledge of that natural law is to consider attentively the nature and constitution of man, the relations he has to the beings that surround him, and the states from thence resulting. In fact, the very term of natural law and the notion we have given of it, show that the principles of this science must be taken from the very nature and constitution of man."—"Principles of Natural Law," p. 156.

Men naturally, he said, draw together to form societies for mutual protection and advantage. Their natural state is a state of union and society, and these societies are merely for the common advantage of all of the members.

This was certainly a very simple proposition, but it had required centuries to bring men's minds back to it; and it was not altogether safe to put forth because it implied that each community existed for the benefit of itself, for the benefit of its members, and not for the benefit of a prince or another nation, or for the church, or for an empire.

It was a principle quickly seized upon by the Americans as soon as their difficulties began in 1765. In their early debates and discussions we hear a great deal about a "state of nature," which at first seems rather meaningless to us. But it was merely their attempt to apply to themselves the fundamental principles of the Reformation. Were the colonies by the exactions and remodelling of the mother-country thrown into the "state of nature," where they could reorganize society afresh, on the basis of their own advantage? How much severity or how much oppression or dissatisfaction would bring about this state of nature? Was there any positive rule by which you could decide? Patrick Henry, who was always very eloquent on the subject, declared that the boundary had been passed; that the colonies were in a state of nature.

Any one who is at all familiar with the trend of thought for the last hundred years can readily see how closely this idea of going back to natural causes and first conceptions for the discovery of political principles is allied to every kind of modern progress; to the modern study of natural history, the study of the plants and animals in their natural environment, instead of by preconceived scholastic theories; the study of the human body by dissection instead of by supposition; the study of heat, light, electricity, the soil, the rocks, the ocean, the stars by actual observation, without regard to what the Scriptures and learned commentators had to say.

A large part of the American colonists were very far advanced in all the ideas of the Reformation. Burlamaqui's book, applying in clear every-day language these free and wonderful principles to politics and government, came to a large section of them as the most soul-stirring and mind-arousing message they had ever heard. It has all become trite enough to us; but to them it was fresh and marvellous. Their imaginations seized on it with the indomitable energy and passion which the climate inspired, and some who breathed the air of Virginia and Massachusetts were on fire with enthusiasm.

"This state of nature," argued Burlamaqui, "is not the work of man, but established by divine institution."

"Natural society is a state of equality and liberty; a state in which all men enjoy the same prerogatives, and an entire independence on any other power but God. For every man is naturally master of himself, and equal to his fellow-creatures so long as he does not subject himself to another person's authority by a particular convention."—"Principles of Natural Law," p. 88.

Here we find coupled with liberty that word equality which played such a tremendous part in history for the

succeeding hundred years. And we must bear in mind that what the people of that time meant by it was political equality, equality of rights, equality before the law and the government; and not equality of ability, talents, fortune, or gifts, as some have fancied.

Burlamaqui not only found liberty, independence, and equality growing out of nature herself; but he argued that all this was part of the divine plan, the great order of nature and the universe. Indeed, that was what he and his Reformation predecessors had set out to discover, to unravel the system of humanity, to see if there really was a system that could be gathered from the actual plain facts; and to see also if there was a unity and completeness in this system.

"The human understanding," he says, "is naturally right, and has within itself a strength sufficient to arrive at the knowledge of truth, and to distinguish it from error." That he announces as the fundamental principle of his book, "the hinge whereon the whole system of humanity turns," and it was simply his way of restating the great doctrine of the Reformation, the right of private judgment.

But he goes on to enlarge on it in a way particularly pleasing to the patriot colonists, for he says we have this power to decide for ourselves, "especially in things wherein our respective duties are concerned."

"Yes," said the colonists; "we have often thought that we were the best judges of all our own affairs."

"Those who feel," said Franklin, in his examination before Parliament, "can best judge."

The daring Burlamaqui went on to show that liberty instead of being, as some supposed, a privilege to be graciously accorded, was in reality a universal right, inherent in the nature of things.

"Let us consider the system of humanity, either in general or particular, we shall find that the whole is built upon this principle, reflections, deliberations, researches, actions, judgments; all suppose the use of liberty."—"Principles of Natural Law," p. 25.

Then appears that idea common to the great leaders of thought in that age, that man's true purpose in the world is the pursuit of happiness. To this pursuit, they said, every human being has a complete right. It was part of liberty; a necessary consequence of liberty. This principle of the right to pursue happiness, which is merely another way of stating the right of self-development, has played as great a part in subsequent history as equality. It is one of the foundation principles of the Declaration of Independence. It is given there as the ground-work of the right of revolution, the right of a people to throw off or destroy a power which interferes with this great pursuit, "and to institute a new government, laying its foundation on such principles, and organizing its power in such form as to them shall seem most likely to effect their safety and happiness."

It has been interpreted in all sorts of ways,—as the right to improve your condition, to develop your talents, to grow rich, or to rise into the class of society above you. It is now in its broadest meaning so axiomatic in this country that Americans can hardly realize that it was ever disputed.

But it was, and still is, disputed in England and on the continent. Even so liberal a man as Kingsley resented with indignation the charge that he favored the aspiration of the lower classes to change their condition. Once a cobbler, remain a cobbler, and be content to be a good cobbler. In other words, the righteousness which he so loudly professed was intended to exalt certain fortunate individuals, and not to advance society.

This desire and pursuit of happiness being part of nature, or part of the system of Providence, and as essential to every man and as inseparable from him as his reason, it should be freely allowed him, and not repressed. This, Burlamaqui declares, is a great principle, "the key of the human system," opening to vast consequences for the world.

The consequences have certainly been vast,—vaster far than he dreamed of. Millions of people now live their daily life under the shadow of this doctrine. Millions have fled to us from Europe to seek its protection. Not only the whole American system of laws, but whole philosophies and codes of conduct have grown up under it. The abolitionists appealed to it, and freed six millions of slaves. The transcendental philosophy of New England, that extreme and beautiful attempt to develop conscience, nobility, and character from within; that call of the great writers like Lowell to every humble individual to stand by his own personality, fear it not, advance it by its own lines; even our education, the elective system of our colleges,—all these things have followed under that "pursuit of happiness" which the rebel colonists seized upon so gladly in 1765 and enshrined in their Declaration of Independence in 1776.

They found in the principles of natural law how government, civil society, or "sovereignty," as those writers were apt to call it, was to be built up and regulated. Civil government did not destroy natural rights and the pursuit of happiness. On the contrary, it was intended to give these rights greater security and a fresh force and efficiency. That was the purpose men had in coming together to form a civil society for the benefit of all; that was the reason, as Burlamaqui put it, that "the sovereign became the depository, as it were, of the will and strength of each individual."

This seemed very satisfactory to some of the colonists.

You choose your sovereign, your government, for yourself, and make it your mere depository or agent. Then as to the nature of government, the right to govern, they were very much pleased to find that the only right there was of this sort was the right of each community to govern itself. Government by outside power was absolutely indefensible, because the notion that there was a divine right in one set of people to rule over others was exploded nonsense, and the assertion that mere might or superior power necessarily gave such right was equally indefensible. There remained only one plausible reason, and that was that superior excellence, wisdom, or ability might possibly give such right.

As to this "superior excellence" theory, if you admitted it you denied man's inherent right to liberty, equality, and the pursuit of happiness; you denied his moral accountability and responsibility; you crippled his independent development, his self-development, his individual action; in a word, you destroyed the whole natural system.

Because a man is inferior to another is no reason why he should surrender his liberty, his accountability, his chance for self-development, to the superior. We do not surrender our property to the next man who is an abler business manager. Our inferiority does not give him a right over us. On the contrary, the inferiority of the inferior man is an additional reason why he should cling to all those rights of nature which have been given to him, that he may have wherewithal to raise himself, and be alone accountable for himself. Or, as Burlamaqui briefly summarized it:

"The knowledge I have of the excellency of a superior does not alone afford me a motive sufficient to subject myself to him, and to induce me to abandon my own will in order to take his for my rule; . . . and without any reproach of conscience I may sincerely judge that the intelligent principle within me is sufficient to direct my conduct."—"Principles of Natural Law," p. 86.

Moral obligation, moral responsibility, codes, conduct, life, happiness, development, and progress, he again shows, grow out of this right of private judgment, this right of individualism, the great protestant principle, which within the last one hundred and fifty years has brought such vast advancement and comfort to all nations that have adopted it.

No one has a natural inherent right to command or to exercise dominion. It is merely a privilege which may be granted by the people. They alone have inherent inalienable rights; and they alone can confer the privilege of commanding. It had been supposed that the sovereign alone had rights, and the people only privileges. But here were Burlamaqui, Puffendorf, Montesquieu, Locke, and fully half the American colonists, undertaking to reverse this order and announcing that the people alone had rights, and the sovereign merely privileges.

True sovereignty was then, in a word, a superior and wise power accepted as such by reason; or, as the Americans afterwards translated it in their documents, "a just government exists only by consent of the governed." All men being born politically equal, the colonies, as Dickinson and Hamilton explained, are equally with Great Britain entitled to happiness, equally entitled to govern themselves, equally entitled to freedom and independence.*

It is curious to see the cautious, careful way in which some of the colonists applied these doctrines by mixing them up with their loyalty arguments. This is very noticeable in the pamphlets written by Alexander Hamilton. He gives the stock arguments for redress of grievances, freedom from internal taxation, government by the king alone, and will not admit that he is any-

* "Dickinson's Works," vol. i. p. 202.

thing but a loyal subject. At the same time there runs through all he says an undercurrent of strong rebellion which leads to his ultimate object. "The power," he says, "which one society bestows upon any man or body of men can never extend beyond its own limits."

This he lays down as a universal truth, independently of charters and the wonderful British Constitution. It applied to the whole world. Parliament was elected by the people of England, therefore it had no authority outside of the British isle. That British isle and America were separate societies.

"Nature," said Hamilton, "has distributed an equality of rights to every man." How then, he asked, can the English people have any rights over life, liberty, or property in America. They can have authority only among themselves in England. We are separated from Great Britain, Hamilton argued, not only by the ocean, by geography, but because we have no part or share in governing her. Therefore, as we have no share in governing her, she, by the law of nature, can have no share in governing us; she is a separate society.

The British, he said, were attempting to involve in the idea of a colony the idea of political slavery, and against that a man must fight with his life. To be controlled by the superior wisdom of another nation was ridiculous, unworthy of the consideration of manhood; and at this point he used that sentence which has so often been quoted,—"Deplorable is the condition of that people who have nothing else than the wisdom and justice of another to depend upon." *

Charters and documents, he declared, must yield to natural law and the rights of man.

* Works, Lodge edition, vol. i. p. 70.

"The sacred rights of man are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of divinity itself and can never be erased by mortal power."

The Declaration of Independence was an epitome of these doctrines of natural law applied to the colonies. The Declaration of Independence originated in those doctrines, and not in the mind of Jefferson, as so many people have absurdly supposed. In order to see how directly the Declaration was an outcome of these teachings, we have only to read its opening paragraphs.

"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

By understanding the writings of Burlamaqui, Locke, and Beccaria, which the colonists were studying so intently, we know the origin of the Declaration, and need not flounder in the dark, as so many writers have done, won-

dering where it came from, or how it was that Jefferson could have invented it. Being unwilling to take the trouble of examining carefully the influences which preceded the Declaration, historical students are sometimes surprised to find a document like the Virginia Bill of Rights or the supposed Mecklenburg resolutions,* issued before the Declaration and yet containing the same principles. They instantly jump to the conclusion that here is the real origin and author of the Declaration, and from this Jefferson stole his ideas.

Jefferson drafted the Declaration; but neither he, John Adams, Franklin, Sherman, nor Livingston, who composed the committee which was responsible for it, ever claimed any originality for its principles. They were merely stating principles which were already familiar to the people, so familiar that they stated them somewhat carelessly and took too much for granted. It would have been better, instead of saying, "all men are created equal," that they had said all men are created politically equal, which was what they meant, and what every one at that time understood. By leaving out the word politically they gave an opportunity to a generation unfamiliar with the doctrines of natural law to suppose that they meant that all men are created, or should be made, equal in conditions, opportunities, or talents.

British writers, and some Americans, anxious to secure the favorable regard of Englishmen, have in recent years been fond of asserting that the patriot colonists took their ideas of liberty and the principles of the Declaration of Independence from the writings of Rousseau. But after reading hundreds of pamphlets and arguments of the Revolutionary period, I cannot find Rousseau or any

* Magazine of American History, vol. xxi. pp. 31, 221.

French writer of his sort cited with approval by any of the colonists. They confine themselves entirely to the school of writers already mentioned.

In the pamphlets written by loyalists there is no charge that the colonists were influenced by Rousseau. Peter Van Schaack, the loyalist whose memoirs and letters have come down to us, followed the arguments of the patriot portion of the colonists very closely. He notes the books which they were reading and which influenced them. He would have been very quick to notice and comment on Rousseau, if the colonists had been reading him. But he nowhere mentions such influence.*

Writers who are out of sympathy with American ideas very naturally want to fasten the influence of Rousseau upon us, and connect our principles in some way with the horrors of the French revolution. Rousseau was an immoral, eccentric, and violent man, and his view of liberty

* In the "Address of the People of Great Britain to the Inhabitants of America," published in London in 1775, the author complains that the colonists are influenced by Montesquieu, and wishes that they would study, instead, the condition of the Greek states in the Peloponnesian War. In "A Letter from a Veteran to the Officers of the Army," published in 1774, the author, a very stout Tory, says that the colonists were too much influenced by Locke and Harrington. There is no mention of Rousseau. See, also, "The Constitutional Right of the Legislature of Great Britain to tax the British Colonies," p. vii., London, 1768. Few Englishmen studied the colonies more closely than Dean Tucker, and he would have quickly commented on any influence from Rousseau. In "Cui Bono," p. 20, he says, "The great grievance of the colonies and their bitter complaints against the mother-country were that they were not governed *à la monsr* Locke: for to give them their due they hardly made any objection to anything besides." The authorities the patriot colonists relied on and their way of citing them are well exhibited in Dickinson's "Essay on the Constitutional Power of Great Britain," pp. 43, 44, 56, 76, 81, 101, 102, 106, etc. See, also, "Considerations on the Nature and Extent of the Legislative Authority of the British Parliament," pp. 3, 5, 9, etc., Philadelphia, 1774; Works of John Adams, vol. ii. p. 388.

was logically, if not avowedly, worse than communism. But it was for that very reason that the colonists avoided him and all like him. He was utterly distasteful to them. He took the extraordinary view that natural law meant the actual condition found among savages; whereas the old writers, whom the colonists relied upon, meant by natural law merely the naturally inherent rights which must necessarily belong to men when unbiassed and uncorrupted by arbitrary institutions.

"Man," they said, "is by nature free." They did not say that he was free by savagery. They say nothing about savages. They were concerned not with what men do as savages, but with what belongs to man by nature. Savages are by no means always in a "state of nature" as Locke and Burlamaqui used that term. On the contrary, we often find savages with very complicated monarchical governments bound down by superstition and artificial traditions and conventions. When Patrick Henry or others argued that the colonies were in a "state of nature," in which they could set up a government of their own, he did not mean that they were in a savage state. He, and the others, used the word nature because it was the word that came nearest to describing what they meant. It was not a good word, but there was no better one. They meant by it what is now sometimes meant by the word normal, or what we mean when we say that an organ of the body is acting in its natural way.

Locke shows the meaning attached to the word nature, by his use of it, as in the sentence, "All men, being free by nature, have a right to choose what society they will join themselves to, and what commonwealth they will put themselves under." He was stating what in effect was the American doctrine of the right of expatriation, a right which England denied until after the war of 1812.

The colonists would have been the last people in the world to take up Rousseau's ideas. He raved against society, property, land ownership. He attacked knowledge, science, learning, and scholarship. He was for the sudden reconstruction of society by some arbitrary system of liberty worked out by a dictator, a military Solon, or a Lycurgus. Any one who has read the documents and pamphlets of the Revolution knows how entirely uncongenial anything of that sort was to the colonists. It was also utterly unlike the methods of the clear-headed, sagacious Burlamaqui, the sincere and honest Locke, or the prudent and practical Montesquieu, all of whom relied on knowledge, learning, science; all of whom believed in reform taken, step by step, and the patient collection of facts and observation, as the foundation of government.

The American idea of equality was merely political, equality before the law, equality of rights. But Rousseau's equality was a vague desire to abolish, in some undisclosed way, the distinction between the rich and the poor.

There is a great deal of loose assertion about Rousseau made by persons who are relying on previous loose assertions that they have heard. They will never take the trouble to read his books, which are now very difficult and tiresome to read; nor will they attempt to learn the exact statement and scope of his doctrines, which, as originally stated, seem altogether stupid to modern minds. He was not a clear reasoner. He was sentimental, fantastic, bitter, and morbid; and these qualities the colonists utterly detested.

There were other writers in France like Rousseau, some of them a great deal worse,—such socialists as Mably or Morelly. D'Alembert, too, was, from the point of view of the patriot colonists, a mere crazy person. The

colonists seem to have been totally uninfluenced by these Frenchmen, who were carrying liberty to a ridiculous extreme in their attack on the corrupt and loathsome social system of France. The Americans, on the other hand, had no such problem to deal with. They had nothing against their own social system. On the contrary, they liked it so well that they were fighting for the independence of it.

VIII

A REIGN OF TERROR FOR THE LOYALISTS

It was not merely in final arguments that the year 1774 was a crisis. The patriots were in an extreme and passionate state of mind. Their violence to the loyalists increased, and showed the typical symptoms of a revolution.

The loyalists were becoming more decided and outspoken, and events seemed to be increasing their numbers. The rough element in the patriot party looked upon them as enemies to be broken up and disorganized as quickly as possible. Disarming parties visited loyalist houses and took away all the weapons; and it was a method well calculated to check union and organization and prevent the loyalists from taking advantage of their numbers. Such a method would not perhaps be so effective in modern times when fire-arms are so cheap and easy to procure.

If the loyalists had formed some sort of organization among themselves; appointed their committees of safety, as the patriots did; kept their weapons, instead of giving them up at the patriot demand; resisted, or taken the offensive, instead of waiting passively for the action of the British army; or, if the British army had been more prompt and active in assisting them, they might have altered the course of history. If they had been as full of the American atmosphere of energy and organization as were the patriots, they might have got the start with the disarming, and worked it to the suppression of the rebellion. But the patriots were inspired and wrought to the highest pitch of energy by the rights of man. They not only seized the loyalist arms, but took possession of most

of the colony governments. The loyalists had no inspiring ideas. They could talk only of the British empire and the regular army.

There were, it is true, numerous scattering attempts at loyalist organization in the interior of the Carolinas, in the peninsula between the Delaware and the Chesapeake, in Monmouth County, New Jersey, and near Albany and in Westchester County, New York. In some of these places they resisted disarming, held their own, and took their turn at violent methods, cutting the manes and tails of patriot horses and throwing down patriot fences. In the South they were more successful and more murderous in their dealings with the patriots. But their plans were not generally adopted by their fellow-loyalists throughout the country. They lacked the indomitable energy of the patriots.*

In their scattered, individualized condition they became more and more the prey of the rough element among their opponents. Everywhere they were seized unexpectedly, at the humor of the mob, tarred and feathered, paraded through the towns, or left tied to trees in the woods. Any accidental circumstance would cause these visitations, and often the victim was not as politically guilty as some of his neighbors who, by prudence or accident, remained unharmed to the end of the war.

Those patriots of the upper classes who for many years

* The patriot party seems to have been largely composed of that class whom our over-educated people often contemptuously described as "typical Americans." General Cornwallis noticed the difference in character between the two parties, and described the loyalists as "timid" and the patriots as "inveterate." General Robertson, in his testimony on the conduct of the war, said that the patriots were only about a third of the people, but by their energy in seizing arms and assuming the government they kept the others in subjection.—Parliamentary Register, vol. xiii. p. 307.

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had been rousing the masses of the people to resist the principle of taxation and all authority of Parliament were now somewhat aghast at the success of their work. The patriot colonists, when aroused, were lawless, and, while clamoring for independence, violated in a most shocking manner the rights of personal liberty and property.

In the South, as soon as the rebellion party got a little control, a loyalist might be locked up in the jail for the mere expression of his opinion; and in the North, too, when the rebellion party got control in a county they were apt to use the jail to punish loyalists.

"Out with him! out with him!" shouted the mob, as they rushed after Francis Green into the inn at Norwich, Connecticut, where he was taking refuge. He had already been driven out of Windham. They tumbled him into his own carriage, lashed his horses, and, shouting and yelling, chased him out of Norwich. What was his crime? He had signed the farewell address to Governor Hutchinson, of Massachusetts.

In Berkshire, Massachusetts, in that same summer of 1774, the mob forced the judges from their seats and shut up the court-house, drove David Ingersoll from his house, and laid his lands and fences waste; they riddled the house of Daniel Leonard with bullets, and drove him to Boston; they attacked Colonel Gilbert, of Freetown, in the night, but he fought them off. That same night Brigadier Ruggles fought off a mob, but they painted his horse and cut off its mane and tail. Afterwards they robbed his house of all the weapons in it and poisoned his other horse. They stopped the judges in the highway, insulted them, hissed them as they entered court. The house of Sewell, Attorney-General of Massachusetts, was wrecked; Oliver, president of the council, was mobbed and compelled to resign; an armed mob of five thousand at Worces-

ter compelled the judges, sheriffs, and gentlemen of the bar to march up and down before them, cap in hand, and read thirty times their disavowal of holding court under Parliament.

In a similar way the court at Taunton was handled by the mob; also at Springfield and Plymouth and Great Barrington. Loyalists everywhere were driven from their houses and families, some being obliged to take to the woods, where they nearly lost their lives. One Dunbar, who had bought fat cattle from a loyalist was, for that offence, put into the belly of one of the oxen that had been dressed, carted four miles, and deprived of four head of cattle and a horse.

Men were ridden and tossed on fence-rails; were gagged and bound for days at a time; pelted with stones; fastened in rooms where there was a fire with the chimney stopped on top; advertised as public enemies, so that they would be cut off from all dealing with their neighbors. They had bullets shot into their bedrooms; money or valuable plate extorted to save them from violence and on pretence of taking security for their good behavior. Their houses and ships were burnt; they were compelled to pay the guards who watched them in their houses; and when carted about for the mob to stare at and abuse they were compelled to pay something at every town.

In the cases of rich loyalists the expenses put upon them were very heavy. Mr. James Christie, a merchant of Baltimore, after narrowly escaping with his life, had to pay nine shillings per day to each of the men who guarded his house, and was ordered to pay five hundred pounds to the revolutionary convention "to be expended occasionally towards his proportion of all charges and expenses, incurred or to be incurred, for the defence of America during the present contest."

Some of us perhaps have read of the treatment of the Rev. Samuel Seabury, afterwards the first bishop of the Protestant Episcopal Church in the United States. His house was invaded by the mob, his daughters insulted, their lives threatened, bayonets thrust through their caps, and all the money and silverware in the house taken. Seabury himself was paraded through New Haven and imprisoned for a month. Afterwards he and some other loyalists fled for their lives, and lived in a secret room, behind the chimney, in a private house, where they were fed by their friends through a trap-door.

In South Carolina the mob, in one instance, after applying the tar and feathers, displayed their Southern generosity and politeness by scraping their victim clean, instead of turning him adrift, as was usually done, to go home to his wife and family in his horrible condition or seek a pitiable refuge at the house of a friend, if he could find one.

"Of the few who objected (to the Charleston Association) there were only two who were hardy enough to ridicule or treat it with contempt,—viz., Laughlin, Martin and John Dealey,—on which account . . . Yesterday they were carted through the principal streets of the town in complete suits of tar and feathers. The very indecent and daring behaviours of the two culprits in several instances occasioned their being made public spectacles of. After having been exhibited for about half an hour, and having made many acknowledgments of their crime, they were conducted home, cleaned, and quietly put on board of Captain Lasley's ship."—American Archives, 4th series, ii. p. 922.

It would be a comparatively easy task to collect from the records instances of this sort, entirely omitted from regulation histories, but which, if given in their full details, would fill a good-sized volume. For the three months, July, August, and September, of the year 1774,

one can find in the "American Archives" alone over thirty descriptions of outrages of this sort.*

If we went on collecting instances and used besides the volumes of the "American Archives" the numerous other sources of information, and carried the search through all the years when these things were done, there would be an enormous mass of instances. But we would not then have them all; for there must have been countless instances of violence to loyalists which were not recorded in print. Like the other instances, they played their part; were well known by common report; contributed towards forming opinion and action in the great problem; and now, being unpleasant or inconvenient to remember, have passed out of human recollection as though they had never happened.

Many saved themselves by yielding, by resigning the offices they held under British authority, or by writing out a humiliating apology and reading it aloud, or letting it be published in the newspapers. When this system of terrorism was once well under way, there was a crop of these recantations everywhere. But we do not always know from the records the severity by which these recantations were forced.

Loyalists would often resist for a time before subjecting themselves to the ignominy of a recantation. In one instance twenty-nine loyalists were carried about by a party of militia for several days from town to town. They were

* American Archives, 4th series, i. pp. 630, 663, 716, 724, 731, 732, 745, 762, 787, 806, 885, 965, 970, 974, 1009, 1042, 1061, 1070, 1105, 1106, 1178, 1236, 1243, 1253, 1260; 4th series, ii. pp. 33, 34, 91, 131, 174, 176, 318, 337, 340, 466, 507, 545, 552, 622, 725, 875, 920, 922, 1652, 1688, 1697; 4th series, iii. pp. 52, 59, 105, 119, 127, 145, 151, 170, 326, 462, 682, 823, 1072, 1254, 1266; 4th series, iv. pp. 19, 29, 203, 247, 288, 475, 564, 679, 719, 847, 884, 887, 941, 1043, 1228, 1237, 1241, 1284, 1288, 1571, 1580, 1585, 1590, 1692, 1717.

told that they were to be put in the Sunbury mines, which were damp, underground passages for mining copper in Connecticut, not far from Hartford. These mines were often used for terrorizing loyalists. The twenty-nine were exhibited, hectored, and tormented, until before they reached the mines the last one had humbled himself by a public confession and apology.

As time went on there were comparatively few who, when visited by the mob, did not finally make a public apology, because, although that was bad enough, they knew that in the end there was the far worse infamy and torture of the tar and feathers. There were few men of any position or respectability—and it was men of this sort who were usually attacked—who could bear the thought or survive the infliction of that process, unless they afterwards left the country altogether. To be stripped naked, smeared all over with disgusting black pitch, the contents of two or three pillows rubbed into it, and in that condition to be paraded through the streets of the town for neighbors and acquaintances to stare at, was enough to break down very daring spirits.

One could never tell when an angry mob might rush to this last resource. On August 24, 1774, a mob at New London were carrying off Colonel Willard, when he agreed to apologize and resign his office. But the account goes on to say,—

"One Captain Davis, of Brimfield, was present, who showing resentment, and treating the people with bad language, was stripped, and honoured with the new-fashion dress of tar and feathers; a proof this that the act for tarring and feathering is not repealed."—American Archives, 4th series, i. 731.

When we consider that this mob rule was steadily practised for a period of more than ten years, it is not surprising that it left an almost indelible mark on our people.

They seem to have acquired from it that fixed habit now called lynch law, which is still practised among us in many parts of the country in a most regular and systematic manner, and participated in by respectable people. The term lynch law originated in the method of handling the loyalists in the Revolution, and was named from the brother of the man who founded Lynchburgh in Virginia.*

By the year 1775 the patriot portion of the people had grown so accustomed to dealing with the loyalists by means of the mob, that they regarded it as a sort of established and legalized procedure. In New Jersey we find an account of the tar and feathers inflicted on a loyalist closing with the words, "The whole was conducted with that regularity and decorum that ought to be observed in all public punishments."†

Looking back at it with the long perspective the present gives, we can say that these things were the passion for independence, the instinct of nationality seizing for itself a country of its own, without violence if it could, but with the worst violence if it must. England, however, was not inclined to take that view. The greater the number of such occurrences, the more numerous became the Englishmen who were convinced that the colonies needed not more liberty, but more systematic government and control. The loyalists in America believed that such outrages increased their own numbers and made it more and more certain that they were, as they claimed to be, a majority of the people.

The vast number of written and spoken apologies were nearly all insincere; even the oaths that were taken were nearly all considered as not binding by the victims, because obtained by threats or violence. They were often

* Atlantic Monthly, vol. lxxxviii. p. 731.

† American Archives, 4th series, iv. p. 208.

forced to take the oaths to save their children from beggary and ruin, and openly gave this as an excuse.

As for the liberty of the press, it was at the close of the year 1775 completely extinguished; and this increased and encouraged the enemies of the colonies in England. James Rivington, of New York, who printed and published many of the loyalist pamphlets, was boycotted and assailed by town and village committees until, though he apologized and humbled himself, he narrowly escaped with his life, and finally took refuge on a British man-of-war.

Prominent men among the rebel party regretted these things and worried over them; but all to no effect. The loyalists were so numerous, possibly a majority, and might effect so much if they organized themselves, that it was a great temptation to let the rough and wild element among the patriots go on with its work and keep the loyalists broken up and terrorized.

John Adams had the enormity and cruelty of such conduct brought home to him very closely, for he was counsel in a famous case in which one of the victims, Richard King, attempted to have legal redress against the mob.

A party of people disguised as Indians broke into King's store and house as early in the difficulties with England as March 16, 1766. They destroyed all the books and papers relating to his business, laid waste his property, and threatened his life if he should seek redress. Seven or eight years afterwards, in 1774, the mob assailed him again because one of his cargoes of lumber, without any fault of his, had been purchased by the British army in Boston. Forty men visited him on this occasion, and, by threatening his life, compelled him to disavow his loyalist opinions. He shortly afterwards went insane and died.

"The terror and distress, the distraction and horror of his family," writes John Adams to his wife, "cannot be described in words or

painted upon canvas. It is enough to move a statue, to melt a heart of stone, to read the story. A mind susceptible of the feelings of humanity, a heart which can be touched with sensibility for human misery and wretchedness must relent, must burn with resentment and indignation at such outrageous injuries. These private mobs I do and will detest. . . . But these tarrings and featherings, this breaking open houses by rude and insolent rabble in resentment for private wrongs or in pursuance of private prejudices and passions must be discountenanced. It cannot be even excused upon any principle which can be entertained by a good citizen, a worthy member of society."—"Familiar Letters of John Adams to his Wife," p. 20.

But the mobs went on with their work in spite of Adams's protest. All through the Revolution the loyalists were roughly handled, banished, and their property confiscated.* Even those who were neutral and living quietly were often ordered out of the country by county committees, because it was found that a prominent family which remained neutral deterred by their silent influence many who otherwise would have joined the rebel cause. Few loyalists dared write about politics in private letters, because all such letters were opened by the patriots. In many of them which have been preserved we find the statement that the writers would like to speak of public affairs but dare not. A mere chance or most innocent expression might bring on severe punishment or mob violence.

A great deal of the evidence of the terrorism, feuds, family divisions, treacherous betrayals, hatred of those who enlisted with the British and fought against their countrymen, together with the license and cruelty of both armies, has been lost because our ancestors wished to forget it as soon as possible. We gain a glimpse occasionally of these things, as in that passage in Lafayette's Memoirs,

* Ryerson, "Loyalists," vol. ii. pp. 123–144; "Life of Peter Van Schaack," pp. 109, 110, 112, 113, 126, 127.

in which he briefly refers to such scenes, and describes brothers, officers in the opposing armies, meeting by chance in their father's house, and seizing their arms to fight with one another.

One of the first results of the revolutionary movement was the rise of the ignorant classes into power and the steady deterioration in the character and manners of public men. Cobblers and mechanics became captains and colonels, or got important positions in State governments. The Congress seemed to become narrow-minded, factious, and contemptible. At all the taverns could be seen ragged or drunken loungers, of three or six months' service in the patriot army, conspicuously labelling one another colonel or captain in a way that was very astonishing and disgusting to respectable and conservative people.

In some of the colonies the ignorant classes who had never before been in power swept everything before them. In Pennsylvania they drove into banishment John Dickinson and Provost Smith. They reduced to mere ciphers in influence in the councils of the State such men as Robert Morris and James Wilson. They destroyed Philadelphia College, confiscated its property, and created a general belief in the omnipotence of ignorance and the pusillanimity of education, which survived for nearly a century, like a curse and blight on the town, destroying the pre-eminence and wonderful advancement which its founders and builders had given it.*

Such wrecking, disorder, and confusion caused torturing doubts to many enthusiastic souls who had been reading about the rights of man. Thousands were halted by it altogether. It seemed too high a price to pay for independence, and, rather than even seem to assent to it, they went over completely to the side of the British govern-

* "Pennsylvania: Colony and Commonwealth," pp. 373–377, 423.

ment, sacrificed every penny of their property, and (from positions of importance and prominence in the colonies they retired to England to be submerged into insignificance and poverty, or they retired to Canada where their descendants can still be found working with their hands, or struggling back into the position their ancestors occupied more than a hundred years ago.)

(The disastrous effects of the rise of the lower orders of the people into power appeared everywhere, leaving its varied and peculiar characteristics in each community; but New England suffered least of all. In Virginia its work was destructive and complete; for all that made Virginia great, and produced her remarkable men, was her aristocracy of tobacco-planters. This aristocracy forced on the Revolution with heroic enthusiasm against the will of the lower classes, little dreaming that they were forcing it on to their own destruction. But in 1780 the result was already so obvious that Chastellux, the French traveller, saw it with the utmost clearness, and in his book he prophesies Virginia's gradual sinking into the insignificance which we have seen in our time.

Even in Massachusetts, where the dreaded class accomplished less evil than anywhere else, the prospect of their rule seemed so terrible that the strongest of the patriots were often shaken in their purpose. How it fretted and unnerved John Adams we know full well, for he has confessed it in his diary. A man in Massachusetts one day congratulated him on the anarchy, the mob violence, the insults to judges, the closing of the courts, and the tar and feathers which the patriots and their Congress were producing.

"Oh, Mr. Adams, what great things have you and your colleagues done for us! We can never be grateful enough to you. There are no courts of justice now in this province, and I hope there never will be another."

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Adams for once in his life could not reply.

"Is this the object for which I have been contending, said I to myself, for I rode along without any answer to this wretch; are these the sentiments of such people, and how many of them are there in the country? Half the nation, for what I know; for half the nation are debtors, if not more; and these have been in all countries the sentiments of debtors. If the power of the country should get into such hands, and there is a great danger that it will, to what purpose have we sacrificed our time, health, and everything else?"—Works of John Adams, vol. ii. p. 420.

If the loyalists could come back from the grave, they would probably say that their fears and prophecies had been fulfilled in the most extraordinary manner; sometimes literally; in most cases substantially. There is no question that the Revolution was followed by a great deal of bad government, political corruption, sectional strife, coarseness in manners, hostility to the arts and refinements of life, assassination, lynch law, and other things which horrified Englishmen and afforded the stock material for the ridicule of such writers as Dickens and Mrs. Montagu.

The descendants of the loyalists, whom our passion for independence scattered in Canada and the British empire, find plenty of material for their purpose, and they have often said that we reaped the evil fruit of our self-will and blindness; that we would have been better governed, life and property would have been safer, living more comfortable, and all the arts of life more flourishing, if we had remained colonies of the British empire instead of becoming an independent nation.

If you had remained under Great Britain, you would be free from the scourge of lynch law with its two hundred victims every year; you would be free from the burning of negroes at the stake; and from the wholesale murder and

assassinations which have prevailed in parts of your country. Such conditions are unknown under British rule. By remaining under Great Britain you would have avoided the Civil War of 1861, with all its train of evils, the long years of misgovernment which preceded it when the slaves were escaping to the free States, and the frightful misgovernment of the carpet-bag and reconstruction period, because all your slaves would have been set free and their owners paid their value in 1833, when slavery was abolished by England in all her colonies. In a similar way you would have escaped your vast political corruption and the disgraceful misgovernment of your large cities. You made a mistake when you broke up the British empire in 1776.

The patriots of 1776, however, believed that they had ideas to contribute, and a mission to accomplish in spite of bad government, or through bad government, as every other nation and individual has done. They were seized with the spirit of independence, and believed that as a separate people they had an inalienable right to rule themselves; and, if they chose, rule themselves badly. Liberty without independence to decide what their liberty or what their development should be was of little value in their eyes.

IX

THE REAL INTENTION AS TO INDEPENDENCE

I HAVE described the patriot party as moving towards independence, and have given many instances to show that that was their intention. Sometimes the intention, though partially veiled, was notorious, as in the case of such men as Samuel Adams; sometimes it was openly expressed, as in such newspapers as the *Boston Gazette;* and very often it was nourished in secret, or the individuals who entertained it were scarcely conscious of how far they were going, or were timid and hesitating about the risks to be run.

If we assume that the patriots really thought that England would frankly approve of all they were doing, repeal to order her acts of Parliament, and give the colonists what they wanted, we must suppose them to have been very childlike. Such sublime confidence that England would see the great question exactly as they saw it would have been very beautiful and touching.

There may have been some who attained this romantic state of mind. As the loyalists idealized the strength and power of England, believed it irresistible, and believed it also beneficial, and lovable even as a conqueror, and were willing to accept it as a conqueror without any guarantees or securities for their own liberties, so these childlike rebels on their side may have idealized it as too strong, too magnanimous and just to be other than as liberal and freedom-loving as themselves.

Many of them perhaps had hardly yet become aware that in living by themselves for nearly two hundred years they had grown into a totally different moral fibre; and

men although they used the same language and laws, and the same furniture and linen as the English, swore the same oaths and drank the same toasts as England, they were in character and principle as far removed from the majority of her people as though they belonged to another race. Unconsciously they had been wrought by climate, association, and environment into a distinct and different people, a people of keener, broader intelligence, and more determined energy and courage. They were already a separate people without fully knowing it.

The inward struggles of some of the loyalists who had become partially Americanized without knowing it were very pathetic. Curwen and Van Schaack, both of whom sought refuge in England, reveal this all through their diaries and letters. In America their imaginations had been fed with pleasing tales of the charms of English life and the honor and liberal intentions of British statesmen. They were both bitterly disappointed. Van Schaack completely changed his opinions of the political intentions of the British government towards the colonies. Curwen, dealing more in details of every-day life, laments its discomfort and unhappiness. "The fires here," he says, "are not to be compared to our large American ones of oak and walnut, nor near so comfortable. Would that I was away." He had thought he was going "home," as some of the colonists with strange simplicity called England; but he says he finds himself in a "country of aliens." He was treated with arrogance and contempt. He was told to his face that Americans were a "sort of serfs." He was expected to be servile and subservient. London he calls a "sad lick penny;" and he is heartily tired of it.*

Both he and Van Schaack, and their fathers before them, had lived so long in the colonies that in heart and habit

* Curwen's Journal and Letters, 45, 57, 59, etc.

they were Americanized beyond recall. But by study at a distance they had so convinced their minds, or imaginations, of the splendor of the British empire that when their fellow-colonists doubted the immaculateness of British rule, and, above all, when they thought they could govern themselves without it, the ludicrousness of the suggestion was overwhelming.

In describing the different ways in which the growing sense or instinct of a separate nationality was affecting the people, it is due to my readers to say that some Americans have denied that there was any feeling of this sort. They have denied most positively that there was any desire for independence, and have adopted the modern English opinion that independence was forced upon us suddenly against our will.

For my part I find it difficult to understand how a million or more colonists could suddenly decide on a dash for independence, maintain the struggle for seven years, refusing every proposal for peace that offered less than absolute independence, unless they had been passionately nourishing that idea for a long period of time. But, if we are to believe certain statesmen and historians, they not only did not entertain such an idea for any long period, but detested the thoughts of it until the summer of 1776, and then shed tears over it.

Of course, it is true that all the patriot documents are full of profuse expressions of the most devoted loyalty, and the leaders were constantly putting forth these profuse expressions. If such assertions are proof, it is easy enough to accumulate great numbers of them. In fact, judged by their documents, the nearer the patriots approached to the year 1776, the more devoted, loving, and loyal they became. If we can accept their own account of themselves, they were more loyal than the Tories in England.

Washington, while attending the Congress at Philadelphia, wrote to a loyalist, October 9, 1774:

"Give me leave to add, and I think I can announce it as a fact, that it is not the wish or interest of that government (Massachusetts) or any other upon this continent, separately or collectively, to set up for independence."—Works, Ford edition of 1889, vol. ii. p. 443.

That was a safe statement, because it spoke of the governments of the colonies, not of a party or individuals. The government of Massachusetts was at that time under the military control of General Gage and the loyalists, and certainly had not the slightest intention of attempting independence. None of the colony governments, as governments, had any wish at that time to make such an attempt. Some of them were in the hands of moderates or loyalists, and it would not have been for the interest even of those in the hands of patriots to make any move for independence. It was too dangerous and too impractical; the time had not, in the opinion of any, yet arrived. As to what the government formed by the rebel party in Massachusetts wanted to do about independence, we shall see when we come to treat of the Suffolk resolutions.

Washington's statement refers only to what would be outwardly and openly done, and in that respect is entirely correct. It is entirely consistent with a determination in his heart, and in the hearts of thousands of others, to make a break for independence at the first opportunity.

Franklin, in England, in August, 1774, was talking with Lord Chatham about American affairs. His lordship favored the withdrawal of troops and very liberal treatment of the Americans. But he said it had been reported that they aimed at statehood and independence, and to that he was unalterably opposed. Franklin replied with the very sweeping assertion that has been so often quoted:

"I assured him that having more than once travelled almost from one end of the continent to the other, and kept a great variety of company, eating, drinking, and conversing with them freely, I never had heard in any conversation from any person, drunk or sober, the least expression of a wish for a separation, or hint that such a thing would be advantageous to America."—Works, Bigelow edition, vol. v. pp. 445, 446.

But the word independence had several meanings. Franklin says that he had never heard the colonists wish "for a separation, or hint that such a thing would be advantageous." If questioned closely, he and they would have said that they did not wish to be absolutely separated; they wished merely to be separated from Parliament and retain such a connection with the crown that it would be a protectorate for them against other nations. This was the old device to which they all tightly clung, and, under the circumstances, we cannot blame them.

When Franklin made that sweeping statement to Lord Chatham in 1774, he had been away from America for ten years; and he could have said that he was speaking of his experiences before the French War closed. It was a statement of diplomacy, and Franklin was in a delicate position. Lord Chatham and a large section of the Whigs, who were straining every nerve to restore themselves to office and power by means of the disturbances in America, were obliged, of course, to base their assistance of the Americans on the understanding that those rebels were seeking merely a redress of grievances, and not absolute independence. Franklin's whole course of conduct in England was devoted to assisting the Whig party. He believed that if that party could get into power they would be very favorably inclined towards the patriots. But if he once, for a moment, admitted that the patriots were bent on independence, his usefulness to the Whigs was gone.

It is difficult to believe that Franklin meant to say that

there was no general movement for independence either absolute, as advocated by men like Samuel Adams and newspapers like the *Boston Gazette*, or modified, as advocated by the moderate patriots who seemed to be willing to accept an independence which would leave the American communities distinct states, entirely free from all control of Parliament, and attached to England only by the slight thread of a protectorate against foreign invasions. If he intended to make a complete and absolute denial, he is contradicted by a great deal of evidence. I have already, in the first chapter, cited the passage from Kalm, who travelled in the colonies in 1748, and described the movement for independence as so advanced that the people were prophesying a total separation within thirty or fifty years, which prophecy was literally fulfilled. Franklin himself, in 1766, two years after he went to England, had received a letter from Joseph Galloway describing the plans for independence.

"A certain sect of people, if I may judge from their late conduct, seem to look on this as a favorable opportunity of establishing their republican principles, and of throwing off all connection with their mother-country. Many of their publications justify the thought. Besides, I have other reasons to think that they are not only forming a private union among themseves from one end of the continent to the other, but endeavoring also to bring into this union the Quakers and all other dissenters, if possible."—Sparks's "Franklin," vol. vii. p. 303. This letter is dated January 13, 1766.

John Wesley, in one of his pamphlets, says that his brother visited the colonies in 1737, and reported "the most serious people and men of consequence almost continually crying out we must be independent; we shall never be well until we shake off the English yoke."* Galloway,

* "A Calm Address to the Inhabitants of England," pp. 6, 9, London, 1777.

in his examination before the House of Commons, testified that there had been a considerable number of persons who advocated independence in the principal towns of the colonies as early as 1754. Dr. Eliot, writing to England, in 1767, says, "We are not ripe for disunion; but our growth is so great that in a few years Great Britain will not be able to compel our submission."*

That very plain-spoken Englishman, Dean Tucker, writing in 1774, took a common-sense view when he said,—

"It is the nature of them all (*i.e.*, colonies) to aspire after independence, and to set up for themselves as soon as ever they find they are able to subsist without being beholden to the mother-country, and if our Americans have expressed themselves sooner on this head than others have done, or in a more direct and daring manner, this ought not to be imputed to any greater malignity."—"The True Interest of Great Britain set forth," p. 12. See, also, Stedman, "American War," vol. i. p. 1, London, 1794.

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* Massachusetts Historical Society, 4th series, vol. iv. p. 240; "Kalm's Travels," vol. i. p. 265. A pamphlet called "The Conduct of the Late Administration examined," pp. 22, 31, 37, 43, 44, 45, London, 1767, refers to the plans for independence in numerous passages. People were saying that their children would "live to see a duty laid by Americans on some things imported from Great Britain." The ministry, it was said, had been repeatedly informed of the plans for independence (p. 37). In "Reflections on the Present Combination of the American Colonies," p. 5, London, 1777, the author says he has been personally acquainted with the colonies for forty years, and that they had been talking independence all that time. "The principles they suck in with milk," he says, "naturally lead to rebellion." On page 35 he gives the patriot toast to the mother-country as "Damn the old B——." See, also, Bancroft, "History of the United States," edition of 1883, vol. iii. pp. 406, 427; Boston Evening Post, May 27, June 24, October 28, 1765; Boston Gazette, January 6 and 27, March 2, August 17 and 24, November 1 and 2, 1772; January 11, March 15, 1773; American Whig, April 11, 1768; "Americans against Liberty," p. 39, London, 1776; "The Constitutional Right of the Legislature of Great Britain to tax the British Colonies," pp. 27, 28, *et passim*, London, 1768.

That maker of sweeping phrases, John Adams, has often been quoted to show that there was no desire for independence, and that it was resorted to at last with regret and tears.

"There was not a moment during the Revolution when I would not have given everything I possessed for a restoration to the state of things before the contest began, provided we could have had a sufficient security for its continuance."

This statement was made in 1821, long after the Revolution was over, and is one of those carefully hedged generalities which public men know how to make when they wish to appear to have always been conservative. In his hopeless moments during the long contest, Adams no doubt often thought that he would give everything he possessed to go back to the old times, for if things went on as they were going, he soon might not have anything to possess, not even the head on his shoulders.

He saves his statement by the proviso that there must be "sufficient security" for the continuance of the old times. There was the rub. England would not give that security. The only security, as Adams well knew, was independence. His statement, moreover, bears quite a different meaning when the whole passage in which it occurs is read.

"There is great ambiguity in the expression, there existed in the Colonies a desire of Independence. It is true there always existed in the Colonies a desire of Independence of Parliament, in the articles of internal Taxation, and internal policy; and a very general if not a universal opinion, that they were constitutionally entitled to it, and as general a determination if possible to maintain, and defend it; but there never existed a desire of Independence of the Crown, or of general regulations of Commerce, for the equal and impartial benefit of all parts of the Empire. It is true there might be times and circumstances in which an Individual, or a few Individuals, might entertain

and express a wish that America was Independent in all respects, but these were '*Rari nantes in gurgite vasto.*' For example in one thousand seven hundred and fifty-six, seven and eight, the conduct of the British Generals Shirley, Braddock, Loudon, Webb and Abercromby was so absurd, disastrous, and destructive, that a very general opinion prevailed that the War was conducted by a mixture of Ignorance, Treachery and Cowardice, and some persons wished we had nothing to do with Great Britain for ever. Of this number I distinctly remember, I was myself one, fully believing that we were able to defend ourselves against the French and Indians, without any assistance or embarrassment from Great Britain. In fifty-eight and fifty-nine, when Amherst and Wolfe changed the fortune of the War, by a more able and faithful conduct of it, I again rejoiced in the name of Britain, and should have rejoiced in it, to this day, had not the King and Parliament committed high Treason and Rebellion against America as soon as they had conquered Canada, and made Peace with France. That there existed a general desire of Independence of the Crown in any part of America before the Revolution, is as far from the truth, as the Zenith is from the Nadir. That the encroaching disposition of Great Britain was early foreseen by many wise men, in all the States; [that it] would one day attempt to enslave them by an unlimited submission to Parliament, and rule them with a rod of Iron; that this attempt would produce resistance on the part of America, and an awful struggle was also foreseen, but dreaded and deprecated as the greatest Calamity that could befal them. For my own part, there was not a moment during the Revolution, when I would not have given every thing I possessed for a restoration to the State of things before the Contest began, provided we could have had any sufficient security for its continuance. I always dreaded the Revolution as fraught with ruin, to me and my family, and indeed it has been but little better."—New England Historical and Genealogical Register, 1876, vol. xxx. p. 329.

There we have it all; the whole story, and the old device of the king alone to which they always clung to save necks in case of failure. It should be observed that Adams says that he and his party were for independence in 1756–58; and this should be compared with the statements made by Franklin and others. Then he says that he became loyal, and would have remained a really good boy if it had not been for something that happened,—namely,

that "Parliament committed high treason and rebellion against America," which is a delightful way of putting it, and very characteristic of the Adams family.

It should also be remembered that although Adams says that the patriots were entirely willing to remain under the king alone, yet when this very condition was offered to them by the peace commissioners in 1778, they voted against it, and Adams himself was more ardent than any of them in opposing it.

His final statement that the Revolution ruined him is very amusing. The Revolution was the making of him; and without it he would have remained insignificant. But he never got enough of anything, and he always considered himself abused.

The truth is that, like many others, he was a rebel not for independence from the day of his birth to the day of his death. His independence party was small before the year 1760; but it steadily grew, and was most diligently and shrewdly worked up and encouraged by himself, his cousin, and the other leaders. It was impossible for a man of his stamp to belong to any other party.

They used to tell an apocryphal story about him which even if not true is very characteristic. When he lay dying at the great age of ninety-one, they roused him for a moment in order to hear his last words. The old hero was taken off his guard and had no time to hedge. "Independence forever," he said, and sank back dead.

We might go on quoting John Jay, and also Thomas Jefferson, who wrote the Declaration of Independence, all of them positive that they never thought of such a thing until about five or six minutes before they did it; and then it was contemplated "with affliction by all." No doubt there was much affliction, for it was a dangerous business. If, however, the affliction was so great, how was it that

even in their darkest hours they refused all offers of compromise,—even the very terms of freedom from Parliament which they had themselves proposed? *

We can perhaps understand better how independence was secretly nourished when we remember the indomitable energy our climate produces; how the desire to plan, to act, to do, to invent with surpassing ingenuity, and to be forever going, climbing, and achieving is uncontrollable. The patriot colonists who had been born in the country, and their fathers before them, were of this sort. Colonialism, with the essential political degradation entailed on even the best and most liberally governed colony, exasperated them.

They may have said all sorts of things about "home," king, and loyalty. They had been brought up under the British monarchy, and among such people such phrases became a habit. It was also important for them not to alarm the moderate or hesitating patriots by word or action that would be too direct. Those followers had to be educated and led by degrees. Thousands of them were in terrible uncertainty. At the thought of independence they trembled about the future which they could not see or fathom; on which was no landmark or familiar ground; and which their imaginations peopled with monsters and dragons like those with which the old geographers before Columbus filled the Western Ocean. We laugh at their fears because that future has now become the past. But their fears were largely justified by the history of the world up to that time.

* "Bob Jingle," in a coarse verse in his "Association," satirizes the excessive loyalty and grief at the thought of separation which the patriots professed to feel.

"With anxious cares and griefs oppressed
Our inmost bowels rumble;
And truly we are so distressed
Our very guts they grumble."

They felt that the old argument with which the loyalists continually plied them might very well be true. The colonies, if left to themselves, would fight one another about their boundaries. They had been quarrelling about boundaries for a century, with England for their final arbiter. What would they do when they had no arbiter but the might of the strongest? Would not Pennsylvania combine with the South to conquer New England? or, more likely still, New England would combine with New York to conquer all the South,—New York, for the sake of her old Dutch idea of trade, and New England, for the sake of improving the fox-hunting, Sabbath-breaking Southerner and freeing his slaves; for the estrangement between North and South on the slavery question was already quite obvious at the time of the Revolution. Then there would be rebellions and struggles to reform the map and straighten the lines and boundaries. If in the confusion France or Spain did not gobble them up, or England reduce them again to colonies, they would likely enough try to form a confederacy among themselves for protection against Europe. Then there would be one war to decide which section should have the commercial advantage of the seat of government in this confederacy, and another war to decide what should be the form of government of the confederacy,—monarchical, aristocratic, or republican,—and probably a third war to establish securely the form of government finally adopted.*

We must remember that in South America there has been much confusion and misgovernment as the result of

* "A Candid Examination of the Mutual Claims of Great Britain and the Colonies," p. 47, New York, 1775; "What think ye of the Congress now?" p. 25, New York, 1775; Works of John Adams, vol. ii. p. 351; "The Origin of the American Contest with Great Britain," New York, 1775; Bancroft, "History of the United States," edition of 1886, vol. v. p. 406.

independence, and out of it only two stable governments—Chili and Brazil—have as yet arisen. The monsters that the timid ones saw were unquestionably possibilities; and the loyalist prophecies of sectional war have been largely fulfilled. We have not had quite as many sectional wars as they foretold. But we have had one great war between the North and the South, very much as they prophesied; and in costliness, slaughter, and fierceness of contest far exceeding their warnings.

They prophesied also that even if, with the assistance of France, a sort of independence was won, it would be an independence only on the land. Great Britain would still retain sovereignty on the sea; and there would be another war or series of wars over this question. This happened exactly as they foretold, and thirty years after the Revolution we fought the war of 1812, often called at the time of its occurrence the Second War for Independence.

With these monsters before their eyes the rebel colonists hesitated, deceived themselves, or resorted to shrewdness. They had mental reservations and cautious politic insincerities. They caught at every foolish straw, and the most extraordinary one of all was that the colonies should be ruled by the king alone; that by this invisible thread they would remain a part of the British empire, and always have the advantage of its steadying hand, with Parliament merely an object of outside historic interest. They would always pray for the king, as some one in New England suggested, and would kindly vote him from time to time little presents of money to help him in his wars, he in return to protect them from the ravages of the great powers, France and Spain, and possibly from their own disunion and anarchy.

X

THE CONTINENTAL CONGRESS

In spite of the disturbed and dangerous position in which they found themselves, the patriot leaders seem to have thought that the wisest course was to place complete confidence in the Congress and declare that it would strike a compromise and settle the whole difficulty. It is not probable, however, that those who talked so profusely about this hope had any confidence in it. Certainly men of the Samuel Adams type had no intention of compromising.

The Congress held its sessions in Philadelphia in a neat brick building used by a sort of guild called the Carpenters' Company, and both the building and the guild are still preserved. The session lasted from September 5 until October 26, a delightful time of year to be in the metropolis of the colonies and discuss great questions of state.

Forty-four delegates at first assembled, and within a few weeks the number increased to fifty-two. Most of them were capable, and some of them became very conspicuous men. Among the striking characters were Samuel Adams and his cousin, John Adams, accompanied by the lesser lights, Cushing and Paine, who made up the Massachusetts delegation. These delegates, coming from poor, crippled Boston, supported by charity under the exactions of the Port Bill, were the most violent of all the members. They were known to be so hot for extreme measures that some of the patriot party rode out to meet them before they reached the town, warned them to be careful, and not to utter the word independence.*

* Hosmer, "Life of Samuel Adams," p. 313.

From Virginia came Randolph, Washington, Henry, Bland, Harrison, and Pendleton, the best delegates of all, fully as much in earnest as the Boston men, but with a broader range of ability, and more calm and judicious. From South Carolina came Middleton, John Rutledge, Gadsden, Lynch, and Edward Rutledge, who were almost if not quite the equals of the Virginians. Pennsylvania sent a very conservative but not very strong delegation. Galloway was the only eminent man in it. A few weeks later Dickinson was added. A year or two later the addition of Robert Morris, Franklin, and Dr. Rush made a considerable change in this delegation's conservatism. The little community of Delaware sent three good men,— McKean, Rodney, and Read. From New York John Jay was the only delegate who afterwards attained much prominence.

The delegates and the townsfolk seem to have enjoyed most thoroughly the excitement of that session of nearly two months. The early steps of a rebellion are easy and fascinating. The golden October days and the bracing change to the cool air of autumn were a delightful medium in which to discuss great questions of absorbing interest; see and hear the ablest and most attractive men from the colonies; and dine at country places and the best inns. It was a mental enlargement and an experience which must have been long remembered by every one.

Every form of festivity and pleasure going increased. Many who afterwards were loyalists, or neutrals, could as yet be on friendly terms with patriots; for was not the avowed intention merely to accomplish redress of grievances. No one had ever seen the streets so crowded with the bright and gay colors of the time. We read in Adams's diary that one of the delegates from New Jersey was very much condemned because he "wore black clothes and his

own hair." Everybody saw all the delegates, and there were few who could not boast of having had a word with some of them in the streets, shops, or market-place.

Philadelphia was at that time a pretty place on the water side. The houses, wharves, warehouses, and inns were scattered in picturesque confusion along the river front from Vine Street to South Street, a distance of exactly one mile. Westward, the town reached back from the river about half a mile—to the present Fifth Street. The chime of bells in the steeple of Christ Church was an object of great interest. These bells played tunes on market days, as well as Sundays, for the edification of the country people, who had come in with their great wagon-loads of poultry and vegetables.

John Adams relates how he and some of the delegates climbed up into the steeple of Christ Church and looked over all the roofs of the town, and saw the country with its villas and woods beyond. It was their first bird's-eye view of the metropolis of the colonies of which they had so often heard; and they thought it a wonderful sight.

The Philadelphia Library, founded by Franklin and James Logan, had its rooms in the Carpenters' Hall. The directors of the library passed a vote giving the Congress free use of all the books. No doubt some of them worked hard among the volumes, burying themselves in Grotius, Puffendorf, Burlamaqui, and Locke. It was their duty to understand the state of nature and the natural rights of man; those arguments which showed that rebellion was sometimes not treason. They must have read with hard, uneasy faces the recent heroic struggles, but sad fate, of Corsica, of Poland, and of Sweden.

Both John and Samuel Adams and all of the Massachusetts delegates pressed hard for resolutions which would commit all the colonies to the cause of Boston, as Boston

had chosen to make her cause. She would not yield, would not pay for the tea, nor would she pay damages of any sort. The British troops must be withdrawn, the Boston Port Bill must be repealed, the act altering the government of Massachusetts must be repealed, and also the ten or twelve other acts which were not acceptable in America. The Congress sat with closed doors, and nothing, as a rule, was known of their proceedings except the results which took the shape of certain documents, which shall be discussed in their place. There was, however, one act of the Congress known as the approval of the Suffolk resolutions, which became known at the time of its occurrence, which committed the Congress irrevocably to the cause of Boston and marked a turning-point in the Revolution.

Paul Revere, deserting his silversmith shop and his engraving tools, rode to and fro from Boston to Philadelphia on horseback, carrying documents and letters in his saddle-bags. He had already, it appears, on several occasions during the Massachusetts disturbances, voluntarily acted as messenger in this way. He was evidently fond of horses. He had been shut up for so many years hammering out silly little tea-pots and sugar-bowls and wearing out his eyesight with engraving-tools that he no doubt found himself delighted with this excuse for riding over the wild woodland roads of the colonies.

Within a week or two after the Congress met he started from Boston with a copy of the famous Suffolk resolutions, which had been passed that day by Suffolk County, in which Boston was situated, and within a few days the Suffolk firebrands were laid before the Congress.

The purpose of these resolutions, which were passed by a meeting of delegates from all the towns of Suffolk County, was to create a new government for Massa-

chusetts, independent of the government under the charter as modified by Parliament and now administered by General Gage. To that end the Suffolk resolutions declared that no obedience was due from the people to either the Boston Port Bill or to the act altering the charter; that no regard should be paid to the present judges of the courts, and that sheriffs, deputies, constables, and jurors must refuse to carry into execution any orders of the courts. Creditors, debtors, and litigants were advised to settle their disputes amicably or by arbitration. This had the effect desired and abolished the administration of the law for a long period in Massachusetts,—a period extremely interesting to political students for the ease with which the people, by tacit consent, got on without the aid of those essential instrumentalities.

The resolutions further recommended that collectors of taxes and other officials having public money in their hands should retain those funds and not pay them over to the government under Gage until all disputes were settled.

The persons who had accepted seats on the council board under the Gage government were bluntly told that they were wicked persons and enemies of the country, which was in effect to turn the mob upon them at the first opportunity. The patriot inhabitants of each town were instructed to form a militia, to learn the art of war as speedily as possible, but for the present to act only on the defensive. If any patriots were seized or were arrested, officials of the Gage government must be seized and held as hostages. All this was rather vigorous rebellion, which could not be leniently regarded in England; and, finally, it was recommended that all the towns of the colony should choose delegates to a provincial congress to act in place of the assembly under the Gage government.

This provincial congress was elected, and the government thus suggested by the Suffolk resolutions became the government of Massachusetts for a long period during the Revolution. It is quite obvious that the resolutions were in effect a declaration of independence by the patriots of Massachusetts, although the word independence was not used. If Congress approved of them, approved of a government set up by the patriots in hostility to the British government, it was certainly committing the rest of the colonies to an open rebellion and war unless England was willing to back down completely, as she had done in the case of the Stamp Act and the paint, paper, and glass act, and be ordered about by the colonies.

Besides creating a new government for Massachusetts the Suffolk resolutions contained some strong expressions not likely to assist the cause of peace. England was described as a parricide aiming a dagger at "our bosoms." The continent was described as "swarming with millions" who would not yield to slavery or robbery or allow the streets of Boston to be "thronged with military executioners." The people were described as originally driven from England by persecution and injustice, and they would never allow the desert they had redeemed and cultivated to be transmitted to their innocent offspring, clogged with shackles and fettered with power.

Violent as were the Suffolk resolutions, the Congress approved of them in a resolution justifying the Massachusetts patriots in all they had done. If it had ever been a Congress for mere redress of grievances, it was now certainly changed and had become a Congress for making a new nation. The veil, as the loyalists said, was now drawn aside and independence stood revealed. From that moment the numbers of the loyalists rapidly increased. This new step separated them more and more from the

patriots with whom many of them had heretofore been acting.*

There was an important and far-reaching measure of conservatism proposed in the Congress, but it utterly failed. Galloway offered a plan which would in effect have been a constitutional union between the colonies and the mother-country. There was to be a Parliament or Congress elected by all the colonies and to hold its sessions at Philadelphia. It should be a branch of the Parliament in England, and no act relating to the colonies should be valid unless it was accepted by both the Parliament in Philadelphia and the Parliament in England. This would, it was said, settle all difficulties in the future; for it would be a practical method of obtaining the "consent of America," which the patriots were saying was necessary to the validity of an act of Parliament which was to be applied to the colonies.

The plan represented the loyalist opinion, and would in their view have prevented all taxation or internal regulation, and have amply safeguarded all the liberties for which the patriots professed to be contending. There was sufficient conservatism in the Congress to approve of it so far as to refer it under their rule for further consideration. But soon all proceedings connected with it were ordered to be expunged from the minutes so that they could never be read. As the meetings were secret, it may have been supposed that no news of it would get abroad. But the loyalists took pains to spread the history of it. They charged that the Congress had expunged the proceedings because

* "A Friendly Address to all Reasonable Americans," p. 32, New York, 1774; "The Congress canvassed," p. 5, New York, 1774; "An Alarm to the Legislature of the Province of New York," New York, 1775; "Free Thoughts on the Proceedings of the Congress," New York, 1774.

they feared that the mass of the people might hear of the plan and be willing to have a reconciliation effected on such a basis without an attempt at independence. They circulated printed copies of the plan and declared that the attempt to suppress it by expunging showed a clear intention to secretly kill all efforts at reconciliation.

The Congress closed its session, and Wednesday, October 26, was the last day. Many of the members appear to have lingered for a day or two longer. But on Friday there was a general exodus. It was raining hard, John Adams tells us in his diary, as he took his departure from Philadelphia, which he described as "the happy, the peaceful, the elegant, the hospitable, and the polite." There was perhaps a covert sneer in the words. He had found it too peaceful, too elegant, too polite and happy to be as forward as he wished in rebellion and revolution. However, he professed to believe that he would never have to see Philadelphia again, because the British lion would surrender.

And what, pray, was to be the cause of this surrender? The Suffolk resolutions? Yes, and several documents or state papers which the Congress had prepared and which were soon made public in newspapers and pamphlets.

The first of these documents, called "The Declaration of Rights," merely recited again the arguments for freedom from parliamentary control, which we have already discussed, and gave a list of a dozen or more acts of Parliament which should be repealed.

The next document, the "Association," as it was called, was quite remarkable and curious. It was signed by all the delegates on behalf of themselves and of those whom they represented, and was intended to be the most complete non-importation, non-exportation, and non-consumption agreement that had yet been attempted. The pre-

vious measures of this sort which had been so effective had been voluntary and tacit understandings carried out in a general way. But this association of the Congress was intended to be systematic, thorough, and compulsory. The whole British trade was interdicted, and punishments were most ingeniously provided for those merchants who would not obey.

Although it was in form only an agreement, yet it was worded as if it were a law passed by a legislative body. In some paragraphs we find it speaking as a mere agreement, as, for example, "we will use our utmost endeavors to improve the breed of sheep;" or "we will, in our several States, encourage frugality, economy," etc. In other paragraphs it speaks in the language of a legislature:

"That a committee be chosen in every county, city, and town by those who are qualified to vote for representatives in the legislature, whose business it shall be attentively to observe the conduct of all persons touching this association."

A large part of the document is taken up with these positive commands, directing the committees of correspondence to inspect the entries in "their custom-houses;" directing owners of vessels to give positive orders to their captains, and directing that all manufactures be sold at reasonable prices.

The Congress, it must be remembered, had no law-making power. It was a mere convention, without any authority of law. Yet here it was adroitly arrogating to itself legislative functions. From our point of view, it was a most interesting beginning of the instinctive feeling of nationality and union, the determination, consciously or unconsciously, to form a nation out of a convention that had been called only for "a redress of grievances." The

ne by which the rebel committees of correspondence

were directed to inspect "their custom-houses" was beautiful in its ingenuousness.

But the loyalists were unable to see it in this light. They attacked it at once as a usurpation; and they called on all the legislative assemblies of the colonies to protect themselves against this monster of a Congress, which would soon take away from them all of their power. From a legal point of view the loyalist position was unquestionably sound, for the assemblies in each colony were the only bodies that had any law-making power. The Congress seemed to the loyalists to threaten an American republic, and their premonition was certainly justified by events:

"Are you sure," asks a loyalist, "that while you are supporting the authority of the Congress, and exalting it over your own legislature, that you are not nourishing and bringing to maturity a grand American Republic, which shall after a while rise to power and grandeur, upon the ruins of our present constitution. To me the danger appears more than possible. The outlines of it seem already to be drawn. We have had a grand Continental Congress at Philadelphia. Another is to meet in May next. There has been a Provincial Congress held in Boston government. And as all the colonies seem fond of imitating Boston politics, it is very probable that the scheme will spread and increase; and in a little time the *Commonwealth* be completely formed."—"The Congress canvassed," p. 24, New York, 1774.

There was a considerable body of people at that time who assumed, as a matter of course, that an American republic would be anything but a blessing. With the tar and feathers and other persecutions of loyalists before their eyes, they took for granted that such a republic would be even worse than what we now derisively call a South American republic,—a Dominica or a Haiti.

They were still more shocked when they read in the association how the Congress intended to have its at-

tempted laws and commands enforced. Those who would not obey the rules of the association against importing and exporting were to have their names published as enemies of the country, and no one was to buy from them or sell to them; they were to be cut off from intercourse with their fellows; to be ostracized and outlawed. In short, they were to be boycotted, as we would now say, and turned over to the mob.

In this arrangement and in the committees that were to pry about and act as informers, the loyalists easily saw a most atrocious violation of personal liberty. These county committees, who were given the judicial power to publish, denounce, and ruin people merely of their own motion, without any of the usual safeguards of courts, evidence, proof, or trial, would, they said, be worse than the inquisition. How could the patriots, they said, consistently object to admiralty courts when they were setting up these extraordinary tribunals that could condemn men unseen and unheard? They looked forward to a long reign of anarchy; and their expectations were largely fulfilled. Men like John Adams admitted the injustice and cruelty of the patriot committees, and dreaded the effect of them on American morals and character.*

The tenth article of the association provided that if any goods arrived for a merchant they were to be seized; if he would not reship them, they were to be sold, his necessary charges repaid, and the profits to go to the poor of Boston. In other words, said the loyalists, a man's private property is to be taken from him, without his consent, by the "recom-

* "The Congress canvassed," pp. 14–20, New York, 1774; Adams, Works, vol. iii. p. 34. For the injustice and unfairness of the measures for forcing the paper money upon the people at its par value, see Phillips, "Sketches of American Paper Currency," vol. ii. pp. 63, 65, 67, 70, 154, 158.

mendation" of a Congress that has no legal power; and the same Congress is sending petitions to England arguing that Parliament cannot tax us because it would be taking our property without our consent.

It would be easy to multiply these inconsistencies; and the more the loyalists called attention to them the more the patriots felt compelled to violate personal liberty in suppressing the loyalists, until free speech was extinguished and thousands of loyalists driven from the country. On a smaller scale, and with less wholesale atrocity, it was like the French Revolution, in which we are told that "the revolutionary party felt themselves obliged to take stringent measures; that is, the party which asserted the rights of man felt themselves obliged to refuse to those who opposed them the exercise of those rights." *

Every provision in the association shows a people who were uniting in a struggle for nationality, and therefore cared little for their inconsistencies or violation of rights. Struggles for independence are not apt to be tame or necessarily moral. There is nothing so elementary and natural as the nation-forming instinct; its efforts are always violent; and in such a contest the laws are thrust aside.

For the milder forms of this struggle as shown in the association, we find them agreeing to kill as few lambs as possible, to start domestic manufactures, and to encourage agriculture, especially wool, so as to be independent of England in the matter of clothing. And they were trying to be economical, to discourage horse-racing, gaming, cock-fighting, shows, and plays, and to give up the extravagant mourning-garments and funerals which were so excessive and expensive at that time.

Another document put forth by the Congress was "The

* Rope, "Napoleon," p. 8.

Address to the People of Great Britain." It claimed for the Americans all the privileges of British subjects, the right of disposing of their own property and of ruling themselves. Why should "English subjects, who live three thousand miles from the royal palace, enjoy less liberty than those who are three hundred miles distant from it." Like all the other documents, it had much to say about the wickedness of the Quebec Act, which had established Roman Catholicism in Canada; and it argued over again all this old ground.

The only striking part of it was an argument that if the ministry were allowed to tax and rule America as they pleased, the enormous streams of wealth to be gathered from such a vast continent, together with the Roman Catholic inhabitants of Canada, would be used to inflict some terrible and vague persecution and tyranny on the masses of the people in England. This attempt to excite the English masses against Parliament and the ministry was very much resented in England, and was not likely to bring a favorable compromise any more than was a similar attempt to arouse rebellion in Ireland, which was tried the next year.

Another document, called "An Address to the Inhabitants of Canada," was much ridiculed by both the loyalists and the English, because it was so absurdly inconsistent with "The Address to the People of Great Britain." In addressing the people of England the Congress had vilified and abused the religion of the Canadians as despotism, murder, persecution, and rebellion. Yet they asked those same Canadians to join the rebellious colonies against England; and they sent to them a long document patronizing and instructing them in their rights, and quoting Montesquieu and other Frenchmen, to show what a mistake they were making by submitting to the tyranny of Great Britain.

The Canadians would, of course, see both documents and laugh at the Congress.*

The last paper put forth by the Congress was "The Petition to the King," drawn by Dickinson and intended to show conservative loyalty and save appearances. It was merely a well-worded restatement of the old argument against control by Parliament, and of the wish to be under the king alone, to whom, according to this petition, the patriot colonists were most extravagantly devoted.

These documents having been sent forth and the Congress adjourned, the people settled down to comparative quietude for the whole of the following winter. There was nothing more to be said, because what had been done had been done, and there was no help for it. The result must be calmly awaited during four or five months while the vessels that communicated with England should beat their way over and back against the winter gales of the Atlantic.

* Codman, "Arnold's Expedition to Quebec," p. 9.

XI

THE SITUATION IN ENGLAND

We must go to England for a time and see the effect upon the English people of those documents which the ships carried. First of all we must make the acquaintance of William Howe, who soon had in his hands more power in the great controversy than any other person. He was a Whig member of Parliament, and had served in the House of Commons for some fifteen years, representing the town of Nottingham. His father had been Viscount Howe, of the Irish peerage. On the other side he was the first cousin once removed of the king; for his mother was the illegitimate daughter of George I. by his mistress, the Hanoverian Baroness Kilmansegge.

His elder living brother, Lord Richard Howe, was an admiral in the British navy. There had been a still older brother, George Howe, who had served as an officer in the colonies during the war with France. This brother, George, had been one of the few British officers whom the colonists had really liked. The Massachusetts Assembly had erected a monument to him in Westminster Abbey. Wolfe and Bouquet they had admired, but they were particularly fond of George Howe, because he understood them and adopted their mode of life. He dismissed his retinue, equipage, and display of wines and high living, ate the colonists' plain fare, and drank their home brew, their punch, and their whiskey. He carried provisions on his back, went scouting with rangers, and slept on a bearskin and a blanket.

The Howes, we must remember, were Whigs of the

extreme type. George, during his lifetime, had been the family member of Parliament, and had represented Nottingham until he fell at Ticonderoga in 1758. As soon as his mother heard the news she issued an address to the electors asking them to choose her youngest son, William, which they promptly did; and he seems to have thought of himself as continuing the existence and principles of his brother.

He had none of the personal attractiveness of his deceased brother. He had served in the colonies in the French War, and knew the people, but they never showed any particular regard or liking for him. He was, however, always popular with his soldiers and subordinate officers. He was excessively fond of gambling, and kept up this amusement wherever he was, whether in England or America. But he was strong and shrewd enough not to allow himself to be ruined by it, as Charles Fox and so many others were at that time; and he was generally believed to have increased rather than diminished his fortune by the American war.

In the introduction to his "Orderly Book," which has been published, it is said that he and others of his family were sullen, hard, and cruel. But, after having read a great deal about him, I do not think that this charge can be sustained. The only evidence that might sustain it is, that his commissaries allowed American prisoners to be starved and very severely treated. But other commanders, and the British government itself, allowed this sort of treatment. Galloway, who was by no means his friend, admits that he was a liberal man and not corrupt in money matters, except that he allowed illegitimate opportunities to his subordinates. I should say, from all the evidence, that General Howe, like the admiral and the rest of the family, was quite easy-going and generous; and, as we shall see,

he refused to obey the orders which directed him to be severe and cruel.

His most conspicuous characteristic was great personal courage accompanied by a certain contemptuous indifference. In his methods he was very indirect, and this is strikingly shown in the evasive reasoning and misleading statements in his narrative of the war. He is described as a large man, of dark complexion, like all his family, and with heavy features and very defective teeth.

His brother, the admiral, was so swarthy that the sailors called him Black Dick. He was, apparently, fond of business and details, never gambled or dissipated, and his face was rather refined and scholarly. He too was of an extremely liberal and generous disposition. Although he commanded a fleet to put down the American rebellion, he is known in history chiefly for his peace negotiations.

As a member of Parliament and a politician of many years experience, General Howe had acted with his party in opposing the Stamp Act and other taxation measures. He thought it not only wrong to make war on the Americans, but useless and impractical.

The Whigs, it must be remembered, were anxious to return to power and enjoy the patronage of the offices. The reorganization and remodelling of the colonies and subduing them to complete obedience were very popular measures with the majority of Englishmen, and gave the Tories what seemed to be an unassailable position. The Whigs had no choice but to attack all such measures. They must show that the subjugation of the colonies was wrong in principle and incapable of accomplishment.

Howe finally told his constituents that if the command against the colonies were offered to him he would not accept it. This reckless remark was characteristic of him; and he made it, although knowing full well that

he would be sent against the Americans in some capacity, and probably in chief command.

Both he and his brother, the admiral, were so extremely liberal in their views that they could scarcely be called Englishmen. Had they been consistent they would have emigrated to America, for they belonged to the party that had largely peopled America. But where in America could the general have drawn such large salaries or found such gambling companions as he had in England?

It is important to remember the condition of parties in England and the phases of opinion among them during the Revolution. As time went on a large section of the Rockingham Whigs, and men like the Duke of Richmond and Charles Fox,* were in favor of allowing the colonies to form, if they could, an independent nation, just as, in the year 1901, a section of the liberal party were in favor of allowing the Boer republics of South Africa to retain their independence.

The rest of the Whigs, represented by such men as Barré, Burke, and Lord Chatham, would not declare themselves for independence. They professed to favor retaining the American communities as colonies; but they would retain them by conciliation instead of by force and conquest. Their position was an impossible one, because conciliation without military force would necessarily result in independence. They professed to think that the colonies could be persuaded to make an agreement by which they would remain colonies. But such an agreement would be like a treaty between independent nations, and imply such power in the colonies that the next day they would construe it to mean independence.

The Tories could see no merit in the independence of

* Lecky, "England in the Eighteenth Century," edition of 1882, vol. iii. p. 544.

any country except England. They believed that the colonies should remain completely subordinate dependencies, like the English colonies of the present day, and be allowed no more liberty or self-government than was for the advantage of the empire, and such as circumstances should from time to time indicate.

As to the method of reducing the colonies to obedience, the Tories were somewhat uncertain. At first most of them, led by such men as Lord North, Lord Hillsborough, and Lord Dartmouth, were in favor of a rather mild method of warfare, accompanied by continual offers of conciliation and compromise. They were led to this partly by considerations of expense and the heavy debt already incurred by the previous war, by the desire to take as much wind as possible out of the sails of the Whigs by adopting a semi-Whig policy, by the desire to avoid arousing such hatred and ill-will among the colonists as would render them difficult to govern in the future, and by the fear that the patriot party, if pressed too hard, would appeal to France or escape beyond the Alleghany Mountains and establish republican or rights of man communities which would be a perpetual menace and evil example to the seaboard colonies.

Exactly how much conciliation and how much severity the ministry wished to have in their policy is difficult to determine. Within two or three years they changed it and favored a quick, sharp, relentless war, with such complete destruction and devastation of the country as would collapse the patriot party, avoid all necessity of any sort of compromise and leave the colonies to be remodelled and governed in any way the ministry saw fit.

It is quite obvious that, besides getting aid from France, Spain, or Holland and their own personal powers, it was very important for the patriot party in the colonies to have

the Whigs go into power, or come so near going into power that they would influence Tory policy. Many people believed that the whole question depended on the patriots holding out long enough to let the Whigs get into power, and that if the Whigs were successful for only a few months the whole difficulty would be settled. When, finally, peace was declared and the treaty acknowledging independence signed in 1783, it was done by a Whig ministry. Tories do not sign treaties granting independence.

It is somewhat surprising to a modern American to find that a politician and a member of Parliament of such long service as Howe was also at the same time an officer of the British regular army. Under our national Constitution we have always avoided conferring conflicting offices and duties on the same person. But this principle of distinct separation of the departments of government, which we have carried so far, was at that time not much regarded in England. Admiral Howe was also a member of Parliament and so were Generals Burgoyne, Cornwallis, and Grant. Such a system may have worked well enough until the soldier or sailor was directed to carry out what as a politician he had opposed.

That General Howe should take command if there was any serious war in America was inevitable. He was of suitable age and had at that time seen more successful service in actual warfare than any other officer of high rank in England, except possibly Amherst, the conqueror of Canada, who was getting old and does not seem to have been seriously thought of for the American command. Howe had been a great deal in America and had a most brilliant record of service. He had served as a lieutenant in the regiment of Wolfe, who had spoken highly of him. At the siege of Louisburg he had commanded a regiment as colonel. At the attack on Quebec he was

again with Wolfe and led in person the forlorn hope up the intrenched path. In the expedition against Montreal the next year he commanded a brigade. He had another large command at the siege of Belle Isle on the coast of Brittany, and was adjutant-general of the army at the conquest of Havana. For these services at the close of those wars he had been given the honorary position of governor of the Isle of Wight, and he was now a major-general, with a high reputation for efficiency and general knowledge of his profession. He had recently added to British army methods the improvement of lightly equipped companies, selected from the line regiments and drilled in quick movements.*

He was, it seems, engaged in inaugurating this change in the summer of 1774, and when it was finished his troops were taken to London, and reviewed by the king in Richmond Park. Immediately after that he was busy in the great election of that autumn; for Parliament had been dissolved in September and a general election ordered to compose a new body of the Commons to meet on the 29th of November.

Prominent men were everywhere bustling about electioneering, speech-making, writing pamphlets, buying and selling votes or boroughs. Howe appears to have had no trouble in being re-elected by Nottingham. Gibbon, while settling estates and turning magnificent periods about Roman emperors and Gothic chieftains, found time to attend so well to his fences that he was easily seated for Liskeard. Dr. Johnson, anxious that his friend Mr. Thrale should be elected, and that the honor of Britain

* The best biography of Howe is in the "English National Cyclopædia of Biography." His own narrative reveals a great deal; and there is, of course, much to be learned in the accounts and criticisms of his campaigns.

should be maintained, came out in an eloquent pamphlet against the American rebels, circulated far and wide, and called "The Patriot," for which he received a handsome sum from the Tory ministry.

His brilliant and powerful pages were well calculated to arouse the natural British animosity against anything independent. The philosophic quotation from Milton, which was the pamphlet's motto, seemed to every scholarly mind a most apt description of the Americans.

> "They bawl for freedom in their senseless mood,
> Yet still revolt when truth would set them free.
> License they mean, when they cry liberty,
> For who loves that must first be wise and good."

How perfectly obvious it always is to any comfortable, wealthy, or scholarly mind that a high order of wisdom and goodness, higher even, perhaps, than that of his own people, must precede the grant of liberty.

The ships which had sailed in the autumn with the documents of the American Congress, when scarcely ten days out, were driven back by a gale. They returned to port, and several weeks were lost before they were again on their way. But at last, about the middle of December, they began arriving here and there at different ports, and the petition, the declaration of rights, the articles of association, and all the papers, with their duplicates, travelled by various means to London.

Soon they were published, and everybody was reading them. But it was so near Christmas time that nothing could be done. Parliament adjourned over the holidays, and members, ministers, and officials rushed off to the country to enjoy the pleasures of the winter sports, house-parties, and family gatherings.

The impression produced by the documents of the Con-

gress was at first, Franklin said, rather favorable. By this he seems to have meant that the Whigs were pleased because the rebellion party were making a good fight and not yielding in their demands, and the Tory administration was rather staggered at the uncompromising nature of the demands.

Before the documents arrived some prominent Englishmen, seeing that a dangerous crisis was impending, entered into secret negotiations with Franklin to bring about a reconciliation. When the documents came the danger of a bad civil war was more evident than ever, and they increased their efforts.

The persons chiefly concerned in this undertaking were David Barclay, a Quaker member of Parliament, Dr. Fothergill, the leading physician of London, who was also a Quaker, and Admiral Howe, a Whig, very favorably inclined towards the colonies on account of his deceased brother, and very ambitious to win the distinction of settling the great question. He hoped to be sent out to America at the head of a great peace commission which would settle all difficulties.

The plan of these negotiations was, by means of private interviews with Franklin, to obtain from him the final terms on which the patriot colonists would compromise; and by acting as friendly messengers of these terms to the ministry the negotiators hoped to prevent a war of conquest. Secrecy was necessary, because ordinary Englishmen might look upon such negotiations as somewhat treasonable, and the charge of treason was made when afterwards the negotiations were known.* Franklin was led into the plan by being asked to play chess, of which he was very fond, with Admiral Howe's sister, and his

* Galloway, "A Letter from Cicero to Right Hon. Lord Viscount Howe," London, 1781.

description of her fascination and the gradual opening of the plan are written in his best vein.*

The ultimate terms of these negotiations were worked down to as mild a basis as possible, and Franklin was willing to be much easier and more complying than were the colonists. He was willing, for example, to pay for the tea. But even when reduced to their mildest form one cannot read them without seeing that they would now be regarded as most extraordinary terms for colonies to be suggesting. They show in what a weak grasp England had held her colonies. They are absolutely incompatible with any modern idea of the colonial relation. It would be utterly impossible for any British colony of our time to get itself, for the fraction of a moment, into a position where it could think of suggesting such terms; for the military and naval power of England over her colonies is overwhelming and complete.

Most of the terms were, of course, concerned with the repeal of laws which the colonists disliked, and certainly the amount of repealing demanded seemed very large to Englishmen. But some of the other terms may be mentioned as showing the situation. England was not to keep troops in any colony in time of peace or to build a fortification in any colony, except by that colony's consent. England was to withdraw all right to regulate colonial internal affairs by act of Parliament. The colonies must continue to control the salaries of governors. The first two regulations would alone have destroyed the colonial relation, and the American communities would have ceased to be colonies. But Franklin knew he could not yield on these points, and he even suggested to Lord Chatham that the Congress be recognized as a permanent body.

* Works, Bigelow edition, vol. v. p. 440.

The friendly negotiators could only politely withdraw and say that they were very sorry; and the delightful games of chess came to an end. The ministry were amused, and saw the situation more clearly than ever. Admiral Howe was deeply disappointed. He had expected to take Franklin out with him as one of the members of his great peace commission; and, to make the terms easier and everything smooth, Franklin was offered any important reward he chose to name. As a beginning, he was to be paid the arrears of his salary which the colonies, whose agent he was, had for some years neglected to send to him. But he was, of course, far too shrewd to yield to any of these temptations.

During the Christmas holidays, every one in town and country discussed the American documents. Dr. Johnson began his vigorous refutation of them for his pamphlet, "Taxation no Tyranny." Lord Chatham read them with delight and admiration. They gave him a strong interest and roused the mighty energies of the mind that had saved the colonies from France and won a whole empire for England. Burke and Fox admired them, and so also did all the Whigs, as a matter of course.

But that was not enough, because the Whigs were already on the side of the colonies. The object of the documents, if they were to accomplish anything at all, was to win over the doubting Tories in such numbers that they would turn the Whig minority into a majority, which would compromise with the colonies. In that they utterly failed, exactly as the loyalists prophesied, and as such men as Samuel Adams hoped and prayed they might.

In fact, these documents, instead of accomplishing reconciliation, made reconciliation impossible. If the members of the Congress could have passed December in Tory house-

holds, they would not have eaten their Christmas dinners with much complacency. Their statements of American rights, which are still so much admired by us and which were admired by Lord Chatham and the Whigs, were exasperating to the Tories. The documents were admirable only to those who already believed their sentiments, and they were exasperating and hateful to others in exact proportion as they were admirable to us. They aroused among the Tories outbursts of indignation and ridicule.

The Tories saw independence in every line. Why, they would say, their very first resolution says that they have never ceded to any power the disposal of their life, liberty, and property. They assume, in other words, that they have a right to cede it if they wish. They believe that they are already independent of us. They deny that they are British subjects. They deny that they are subject to the British constitution, by which alone the life, liberty, and property of every Englishman is held.

The inconsistency of asking in one document for a repeal of the Quebec Act, because it established in Canada the bigotry and ignorance of the Roman Catholic religion, mingled with the absurd customs of Paris, and in another document appealing to these same French Roman Catholics, in flattering phrases, to join the Congress at Philadelphia, was quickly seen, and formed one of the stock jokes at every Tory gathering.

"They complain of transubstantiation in Canada," said Dean Tucker, "but they have no objection to their own kind of transubstantiation, by which they turn bits of paper, worth nothing at all, into legal tender for the payment of debts to British merchants."

Dr. Johnson's "Taxation no Tyranny," with its wholesouled Toryism, is capital reading. No doubt he and

many another Tory were expressing the same sentiments in conversation. At his Friday evening club, surrounded by Sir Joshua Reynolds, the ever-faithful Boswell, Charles Fox, Gibbon, Burke, and others, we can almost even now hear the doctor pant and roar against the Americans like an infuriated old lion.

"Sir, do they suppose that when this nation sent out a colony it established an independent power? They went out into those wildernesses because we protected them, and they would not otherwise have ventured there. They have been incorporated by English charters; they have been governed by English laws, regulated by English counsels, protected by English arms, and it seems to follow, by a consequence not easily avoided, that they are subject to English government and chargeable by English taxation."

And if Samuel Adams had been there, he might have said, "You are entirely right, and that is the reason I was so anxious to have the tea destroyed." But he was not there, and so the doctor roared on, while his listeners cautiously smoked their long pipes.

"When by our indulgence and favor the colonists have become rich, shall they not contribute to their own defence? If they accept protection, do they not stipulate obedience? Parliament may enact a law for capital punishment in America, and may it not enact a law for taxation? If it can take away a colonist's life by law, can it not take away his property by law?"

And again Samuel Adams would have said, "Why, yes, certainly; that is the cause of the whole trouble."

"Sir, your people are a race of convicts," the doctor would have replied; "a race of cowardly convicts. Has not America always been our penal colony? Are they not smugglers? I am willing to love all mankind except an

American. How is it, sir, that we hear the loudest yelps for liberty from these people, who are themselves the drivers of negroes?"

We can easily imagine what a telling hit this must have been among the Tories, for most of the members of the Continental Congress owned slaves, and all of them could have owned them. Lord Mansfield had recently decided that a slave who set foot on the soil of England was by that act set free while he remained in England. For Americans or colonials to talk about liberty, and drive their slaves like cattle, seemed very ridiculous and contemptible.*

The doctor made many telling hits, and it would be easy to go on summarizing or paraphrasing them.

"One minute," he would say, "the Whigs are telling us, 'Oh, the poor Americans! have you not oppressed them enough already? You have forbidden them to manufacture their own goods, or to carry their raw materials to any but English ports.' The next minute they tell us you can never conquer them; they are too powerful. 'Think of their fertile land, their splendid towns, their wonderful prosperity, which enables their population to double itself every twenty years.' But I say, if the rascals are so prosperous, oppression has agreed with them, or else there has been no oppression. You cannot escape one or the other of those dilemmas."

An English pamphlet called "Considerations on the American War," † published during this period, is interesting for its prophecies. It describes America's unbounded

* See, also, "Americans against Liberty," p. 23, London, 1776. The Boston Gazette of July 22, 1776, contained the Declaration of Independence in full and also an advertisement of a slave for sale.

† "Considerations on the American War addressed to the People of England," London. See, also, "The Honor of Parliament and the Justice of the Nation vindicated," London, 1776.

extent of lands, such vast length of coast, such harbors, such fertility, such prospect of provisions for ages to come, such certainty of vast increase of population, that unless subdued and controlled she would before long overwhelm the mother-country with her riches and power. As America rises in independence England will as gradually decay, and therefore the lawless colonists in America should be subdued. No minister of discernment and honesty, it was said, could see the increasing power and opulence of the colonies without marking them with a jealous eye.

Fears were expressed that the rebel colonists, having the whole big continent to hide in, might get off into the Western woods and live there as free as they pleased. Doctor Johnson ridiculed this idea most savagely. If the Americans were such fools as that, they would be leaving good houses to be enjoyed by wiser men. Others cited Ireland to show how easily the Americans could be conquered. When the great rebellion, it was said, began in Ireland there were nearly as many inhabitants there as there are in America, yet in nine years five hundred thousand Irish were destroyed by the sword and by famine, and Cromwell, with but a small body of troops, could easily have made a desert of the whole island.* That was many years ago, when England's power was weak. England had only recently hunted the French out of North America and conquered the Indians. How could the colonists escape?

The Tory pamphleteers complained bitterly of the Whigs, who by their sympathy and talk about freedom encouraged the riot and rebellion of the Americans. If that faction in England would cease to support the disorderly

* "The Right of the British Legislature to tax the American Colonies," p. 44, London, 1774.

colonists, they would soon quiet down. It was afterwards charged that the rebel party in the colonies took their tone and framed their war measures from information sent out from England by the Whigs.*

The author of a pamphlet already cited † uses Ireland as an instance and a warning for the Americans. The sole cause of Ireland's long years of disaster, devastation, and failure, he says, has been because she would never give up her love of independence. If she would only just give up that one "teasing thought," how happy and prosperous she might be. What long terrors and misery the Americans were preparing for themselves.

As England had then been six hundred years in crushing the independent spirit of Ireland, and is still engaged in that noble occupation, this Englishman's argument is a strange piece of pathetic British intelligence.

Dean Tucker was the most interesting and remarkable of all the political writers. He was a Tory, and yet took the ground that the colonies should be given complete independence. His reasons for this were that to conquer them would be very expensive, and that as independent communities, supposing they remained independent, they would trade with Great Britain more than they had traded as colonies. But they would not remain independent, he said. They would either lapse into a frightful state of sectional wars and confusion, or they would petition for a reunion with England. In short, independence would be a cheap and excellent punishment for them.

* "A View of the Evidence Relative to the Conduct of the American War under Sir William Howe, with Fugitive Pieces," etc., p. 97. See, also, Galloway, "A Letter from Cicero to Right Hon. Lord Viscount Howe," p. 33, London, 1781; Lecky, "England in the Eighteenth Century," edition of 1882, vol. iii. p. 545; Galloway, "Reply to the Observations of Lieutenant-General Sir W. Howe."

† "The Right of the British Legislature to tax," etc., p. 28.

The Tories who were so indignant at the suggestion of allowing America independence could quote the French philosopher Raynal. He had written in favor of the colonists, encouraged them in rebellion, warned them not to allow themselves to be represented in Parliament, or their chains and fetters would be worse; but he had said that it would be absurd to give them independence. They could not govern themselves. It would burst the bonds of religion, of oaths, of laws. They would become a dangerous, tumultuous military power; they would menace the peace of Europe. They would try to seize the French and Spanish possessions in the West Indies. The moment the laws of Britain were withdrawn both continents of America would tremble under such unscrupulous tyrants.*

* "The Sentiments of a Foreigner on the Disputes of Great Britain with America," p. 24, Philadelphia, 1775; translated from his "Philosophical and Political History of the European Settlements in America."

XII

TRIUMPHANT TORYISM

THE Christmas house-parties soon broke up and Parliament resumed its sessions. January and February dragged along and March came while the mighty assembly of the Anglo-Saxon race tossed and struggled with the great question, whether universal liberty was consistent with the universal empire.

The Tory majority was overwhelming, and everything that occurred, all the information that arrived, even the arguments of the Whigs, convinced that majority more and more that they were in the right. Letter after letter was read from General Gage and from the provincial governors describing the situation in the colonies. Civil government in Massachusetts had ceased; the courts of justice in every county were expiring. British officials were driven out of the country by terrorism and mob violence; and the rebels had organized a government of their own independent of General Gage and the charter. They were drilling a militia of their own, seizing arms, ammunition, and artillery, casting cannon-balls, and looking for blacksmiths who could forge musket-barrels. They upset the carts that hauled firewood for the British army and sank the vessels that brought provisions. In New Hampshire they seized the fort at Portsmouth and carried away the powder, cannon, and muskets; and in Rhode Island they committed similar outrages.

They proposed getting all the women and children out of Boston and then burning it to ashes over the heads of Gage and his soldiers. They were ready to attack him;

and on a false rumor that his ships were about to fire on Boston the whole rebel party in New England were in arms, and the rebels in Connecticut made a two days' march to give their assistance to Massachusetts.

As the Whigs admitted that Massachusetts was in rebellion, the Tories said that the rebellion must be put down. How can we endure such insubordination unless we are willing to give them independence outright. If we are to have colonies at all they must be subordinate in some slight degree.

"You have raised the rebellion yourselves," said the Whigs, "by your excessive severity and intermeddling."

"No," said the Tories, "not at all; we raised it eight years ago by repealing the Stamp Act; by yielding for a time to whiggery and weakness. We taught the colonists to think that they could get anything they wanted if they threatened us."

Then Burke would break forth in impassioned eloquence. England could not conquer the Americans without ruining herself. Remember the archer, he said, who was drawing his bow to send an arrow to his enemy's heart, when he saw his own child folded in the enemy's arms. America holds in her arms our commerce, our trade, our most valuable child. Even now the tradesmen and merchants of the whole kingdom are thronging to the doors of this house and calling on you to stay your cruel hand.

During these debates General Howe rose to be recognized by the chair. His constituents at Nottingham, he said, had asked him to present a petition, and it was handed to the clerk, who read it. Nottingham would be ruined, the petitioners said, unless Parliament found some honorable means of conciliating the Americans. Already the trade of the town was ceasing, useless goods were piling up

in the warehouses; laboring men would soon be out of employment.

Petitions from London, Bristol, and other towns told the same story, and Howe must have been amused in watching the effect of them. The effect was the reverse of what the petitioners intended; for, said the Tories, can it be endured that those colonists shall have this handle over us? Shall they be able, every time they are dissatisfied, to raise a rebellion among the commercial classes here in England, and flood our tables with petitions, and fill our lobbies with stamping, impatient traders?

So they investigated, to see if it were really true that the Americans were starving England into obedience, and making her the dependency and America the ruler; and they aroused an army of counter-petitioners, who swarmed to Parliament, declaring that British trade could not be injured by anything America could do. Thus the appeal to the commercial classes in England, which had been so successful in bringing about the repeal of the Stamp Act, utterly failed in this second attempt. The trick could not be repeated, for the Tories were prepared for it.*

There was a speech delivered at this time in Parliament by General Grant, which would be extremely interesting if it had been preserved in full. But the debates merely give a brief summary of it. He ridiculed the Americans and their cant enthusiasm in religion, mimicking their vulgar expressions and drawl, and describing their disgusting ways of living. Grant had served in America and professed to know the country. The colonists would never fight.

* The merchants were said to have sent their petitions to Parliament merely for the purpose of keeping on good terms with the rebel colonists, who owed them money.—"Letters of James Murray, Loyalist," p. 172.

They had some of the qualifications of soldiers; a slight force would completely subdue them.

Everyone, too, made his little speech. He was a Tory, and there was, therefore, no inconsistency in his announcing that he was one of those selected for service in America to carry out the decrees of Parliament. He was ready, he said, to fight for the supremacy of Parliament; and there could be no better cause for which to bleed and die.

The Tory position that America was attacking the supremacy of Parliament, the sovereignty of the empire, was a strong appeal to most Englishmen, and could not be successfully answered, when letters and documents showed that the rebellion was spreading from New England to all of the colonies. When Wilkes tried to prove at great length that the rebellion might become successful, he merely increased the determination of the Englishmen to put it down at all hazards. When Burke, in a torrent of eloquence, declared that it was not Boston alone, but all America, with which England must now deal, the Tories thanked him for having made their duty clearer.

Could they allow such a rebellion to go unpunished? They would lose all their other possessions. Canada, Jamaica, Barbadoes, India, even Ireland, must be allowed to do as they please, rebel whenever they were dissatisfied, and get what they wanted by blustering and threatening to fight.

Our school-boys still recite extracts from the speeches of Burke and Barré. We shall always admire them. They will always seem to us incomparably and immortally eloquent for the beautiful and romantic aptness of language in which they expressed for us our rebellious thoughts and aspirations. But they never had the slightest chance of accomplishing the smallest result in England. They were mere useless protests. Burke, Barré, and their followers

were not Englishmen. They were totally out of sympathy with the principles and tone of thought which had ruled England for centuries.

Burke, you may say, was at this time an American, a man with American ideas accidentally living in England. He was, in fact, an Irishman. He had come to London, in 1750, as a penniless Irish adventurer, and risen to distinction by his talents and brilliant Irish mind. When he pleaded in Parliament for the utmost liberty to the Americans, was he not showing the Irish side and influence of his character, the Irishman's natural sympathy with liberty.

He prophesied great things for us, and flattered us in the most glowing language. He described us as daring sailors following the whales among the "tumbling mountains" of Arctic ice, or crossing the equator and the tropics to "pursue the same dangerous game in the Antarctic Circle, under the frozen serpent of the South. No sea was unvexed by the American fisheries; no climate that was not a witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of the English was equal to the enterprise of this recent people still in the gristle and not hardened into the bone of manhood."

In glowing terms this Irish-Englishman went on to describe the rapid growth of our population. It was impossible to exaggerate it, he said, for while you were discussing whether they were two million, they had grown to three. Their trade with England was prodigious, and was now by itself equal to England's trade with the whole world in 1704. Should not people of such numbers, such energy, and such prosperity be handled cautiously and gently?

Conscious of the weakness of this argument, conscious of

the absurdity of such an appeal to the typical Englishman, he went on to say that he knew that his descriptions of the greatness of America made her seem a more noble prize to the Tories, an object well worth the fighting for; and to overcome this Tory feeling he went on arguing in a way that made it a great deal worse. He was obliged to say in effect that British valor was not equal to the conquest of the Americans. Even if you should conquer them at first, can you go on conquering them, can you keep such a people subdued through the years and centuries that are to come?

Having enlarged on this point until he had drawn against himself the whole national pride of England, and lost every vote that might be wavering, he went on to ask eloquently, beautifully, but ineffectually, how are you to subdue this stubborn spirit of your colonies? You cannot stop the rapid increase of their population; you would not wish to cut off their commerce, for that would be to impoverish yourselves; you could not stop their internal prosperity which is spreading over the continent. And here again his fervid imagination pictured a wonderful scene of the colonists driven by British conquest from the seaboard to dwell in the vaster and more fertile interior plains of boundless America; how they would become myriads of English Tartars, and pour down a fierce and irresistible cavalry upon the narrow strip of sea-coast, sweeping before them "your governors, your counsellors, your collectors and comptrollers, and all the slaves that adhere to them." *

His argument was a good one for independence, and

* This retreat into the interior beyond the Alleghany Mountains was the plan which Washington and the other patriot leaders intended to adopt if hard pressed, and the Congress also announced it in 1775, in their Declaration of the Causes for taking up Arms.

possibly in his heart he was in favor of independence; but he would not admit it. He clung to the impossible dream that the colonies could be retained as colonies without coercion and conquest. His remedy was to give the colonists what they asked, to comply with the American spirit; "or, if you please," he said, "submit to it as a necessary evil."

A very simple and easy method, laughed the Tories. It would certainly dispose of the question completely.

Barré, our other great friend in Parliament, who was more dreaded than any other orator of the opposition, was descended from a French Protestant family of Rochelle and had been born and educated in Ireland. He had served with Wolfe in the French and Indian War, was a favorite of that officer, and shared his liberal opinions. With his Irish education, his French blood, and the bias towards liberty of his Huguenot religion, he was not an Englishman at all. He was an American in all but migration, and we accordingly read his eloquence with great delight.

As for the rank and file of that hopeless minority called the Whig party, they were largely made up of those people who, for centuries, had been maintaining doctrines of liberty not accepted by the mass of Englishmen. In the previous century the majority had persecuted them so terribly that they had fled to America by thousands as Quakers and Puritans.

At intervals this minority has achieved success and made great and permanent changes in the English Constitution. They had a day and an innings in Cromwell's time; a long day in Gladstone's time, accomplishing wonderful changes and reforms in England; but perhaps their greatest triumph was in the revolution of 1688, when they dethroned the Stuart line, established religious liberty, de-

stroyed the power of the crown to set aside acts of Parliament, and created representative government in England. For the most of their existence, however, they would have been able to live in America more consistently with their professed principles than in England.

On the present occasion, in the year 1775, after they had expended all of their eloquence and stated all of their ideas, and shown themselves in the eyes of the majority of Englishmen absolutely incompetent to settle the American question, except by giving the colonies independence, the Tory majority proceeded to its duty of preserving the integrity of the empire in the only way it could be preserved.

They introduced five measures, well-matured, statesmanlike propositions, which would be unpleasant for our people, but proper enough if we once admit that it is a good thing to preserve and enlarge the British empire. They declared Massachusetts in a state of rebellion, and promised to give the ministry every assistance in subduing her. They voted six thousand additional men to the land and naval forces. They passed an act, usually known as the Fisheries Bill, by which all the trade of the New England colonies was to be confined by force to Great Britain and the British West Indies. This cutting off of the New England colonies from the outside world was a serious matter, but it was not the most important part of the act. The important part was that it prohibited the New England colonies from trading with one another. They must be cut off from every source of supply except the mother-country; and if this could be enforced they would be starved into submission and dependence, their self-reliance broken, and their budding unity and nationality destroyed.

The surest way to break up a rebellion is to prevent the rebels from uniting, to cut off not only their outward

supplies, but their internal self-reliance. Having to deal with colonists whom they knew were striking for independence, this act was a wise one for England. It is easy and cheap to criticise it now after its execution had been forcibly prevented by France, Spain, and Holland turning in to the assistance of the Americans. But at the time of its passage it was well calculated to achieve its purpose.

The Whigs attacked it for its cruelty. Burke rose to such heights of eloquence and denunciation that he had to be called to order. They proposed an amendment to it which would allow the colonists to carry fuel and provisions from one colony to another, but it was voted down by the three to one majority.

The last part of the act was still more severe. It prohibited the New England colonies from fishing on the Newfoundland banks, and allowed that privilege only to Canada and the middle and southern colonies. These prohibitions on fishing and trade were to last only until the rebellious colonies returned to their obedience.

Up rose the Whig orators to protest in pathetic strains against such hardship. The New Englanders were dependent for their livelihood on the fishery of the banks. Witnesses were called to the bar to show that over six hundred vessels and over six thousand men were employed in that fishery, that it was the foundation of nearly all the other occupations in New England, and that its prohibition would ruin or starve one-half the population.

"We are glad to hear that," said the Tories, "for then they will return the sooner to obedience. They would have returned to their obedience long ago if they had not been encouraged in rebellion by Whig oratory and eloquence in England."

When information arrived that the rebellion was spreading, the Tory ministry introduced another bill extending

the prohibitions of the Fisheries Act to all the colonies except loyal New York and North Carolina. They intended, they said, as far as possible to separate the innocent from the guilty. Only the guilty should be punished.

We do not wish to oppress them, argued Lord North. As soon as they return to their duty, acknowledge our supreme authority, and obey the laws of the realm their real grievances shall be redressed. We must bring them to obedience or abandon them. There is no middle ground.

On the 20th of February Lord North presented the last measure of the ministry's policy, in a bill which provided that, if any colony would make such voluntary contribution to the common defence of the empire, and establish such fixed provision for the support of its own civil government and administration of justice as met the approval of Parliament, that colony should be exempted from all imperial taxation for the purpose of revenue. This measure was also intended to break up the union of the colonies.

Lord North was a methodical and good man of business. His speeches as we read them to-day in the debates are full of dignity and force. It is a great mistake to suppose that he was not an able man, or to say that his failure to be sufficiently conciliatory lost the American colonies to Great Britain; or that the king was to blame and North was merely the king's tool. Lack of conciliation was certainly not the trouble; and the attempt to assign some one person as the cause of the Revolution is a cheap and easy method of writing history, but absolutely unwarranted by the facts. Neither the king nor Lord North's ministry were any more to blame for the loss of the colonies than were the majority of Englishmen in and out of Parliament. The policy of the ministry, whether right or wrong, was heartily supported by the majority of Englishmen and the majority

of the intelligent classes, and their arguments can be read in the pamphlets and the debates. The king was guiding his policy by what he knew to be the overwhelming sentiment of the nation, which had the same desire to maintain dominion over as many countries as possible that it has to-day.*

Eight or nine years before, in the Stamp Act times, mildness and a withdrawal of taxation and other parliamentary authority might possibly have kept the American communities nominally within the empire for another generation as semi-independent states. But if they were to be retained as colonies the only course that could have the least chance of success would be one of severity and relentless cruelty even to the point of extermination or banishment of the patriot party.

* Lecky, "England in the Eighteenth Century," edition of 1882, vol. iii. p. 528; Bancroft, "History of the United States," edition of 1886, vol. v. pp. 21, 53, 282; Stedman, "American War," vol. i. chap. xi. p. 258 London, 1789.

XIII

LEXINGTON AND THE NUMBER OF THE LOYALISTS

THE Fisheries Act wrought a most profound change among the colonists. It proved that England would no longer yield. From that moment both patriot and loyalist were compelled to look at the situation from a new point of view. No nation, not even Spain, they said, had ever passed such an act against colonies,—an act which closed and blockaded all ports; which was intended to kill all trade, and cut off the great supply of the fisheries. It was to be enforced, they heard, by sending out additional troops and new generals. And this was the result of the petitions and appeals of that congress of the colonies which, it was fondly supposed, would compel an amicable settlement.

The Fisheries Bill had been introduced into Parliament early in 1775, and news of the debates on it and the evident probability of its passage reached the colonies within five or six weeks; but the bill did not become a law until the last week in March, and before the news of this dread event could travel across the ocean, during the month of April another event happened which opened the eyes of every one, and gave them a year's political growth within a week.

Evidence of treason and rebellion had been accumulating against the leaders in Massachusetts, and especially against Samuel Adams and John Hancock. An attempt had been made by General Gage to win over Adams. Colonel Fenton was sent to him with an intimation that it would be greatly to his profit and safety should he with-

draw from the rebellion.* The exact nature of the reward he was to receive is not known; but, no doubt, it was considerable, and most tactfully and delicately offered. Adams, however, was incorruptible and inflexible, and continued to be as busy as a bee with his plans for independence.

Gage soon had instructions to seize both him and Hancock at the first convenient opportunity and send them to England. But he also had instructions not to provoke the colonists, and to avoid a conflict as long as possible. The seizure of Adams, who managed so many of the details of the patriot movement in Massachusetts, would surely mean a conflict.

Meantime, spring came, and just about the time the Fisheries Bill was passed, in the end of March, Samuel Adams became very busy with a meeting held out at Concord to send delegates to another Congress which was to assemble at Philadelphia in May. This meeting at Concord was a meeting of that provincial congress which had been created by the Suffolk resolutions, and now professed to govern Massachusetts in opposition to the old government, under the altered charter, with Gage at its head. Gage also learned that powder and all sorts of military stores were being quietly hauled over the roads to that same village of Concord.

The meeting at Concord lasted from March 22 to April 15, and, just before it adjourned, Gage seems to have thought that the time for prompt action had come. He could now seize the military stores at Concord, and at the same time capture Adams and also John Hancock, who had made a large fortune out of smuggling, and was willing to risk it and his neck by joining the rebels. The government was about to secure the passage of the Fish-

* Hosmer, "Life of Samuel Adams," p. 302.

eries Bill, reinforcements were about to start for America, and there must be no more laxity or delay in subduing the rebellion.

The rebel meeting at Concord had adjourned. But Adams and Hancock had not returned to Boston, and were staying at the house of the Rev. Jonas Clark at Lexington. This was exactly what Gage wanted. The seizure could be made much more quietly at Clark's house than in Boston. So, on the evening of the 18th of April he sent eight hundred troops to Lexington to take both Adams and Hancock, and at the same time capture the military stores at Concord.

Thus it came to pass that Samuel Adams, who had purposely widened the breach between the colonies and the mother-country, now made that breach absolutely irreparable by unwittingly bringing on the Battle of Lexington. The deepest wish of the old man's heart was gratified that day. The devoted labors of long years culminated. Blood was spilt at last; and now there could be no turning back

We all know the story, how Gage's troops left Boston, as they supposed very secretly, in the darkness. But their movements were watched, and Paul Revere, the silversmith, who had not hoped for any more good riding till Congress should meet in May, had a grand ride that night. He stirred Adams and Hancock out of their beds, and then sped on through the exhilarating air to warn the minute men.

The next morning Gage's troops found that their birds had flown from Lexington, and that the military stores had been largely removed from Concord. They were soon exchanging shots with the farmers and minute men, and then were in full retreat, with the farmers peppering them from behind the stone walls.

Meantime, Adams and Hancock were making their way across the fields. As the reports of the muskets reached their ears, Adams knew that the crowning day of his life had come; and he is said to have exclaimed, "What a glorious morning is this!"

But to many thousands in the colonies, and perhaps to nearly one-half of the people, that morning of April 19 at Lexington did not seem glorious at all. It was a serious business, these farmers, these boors, these colonial peasants, hastily summoned, and killing two hundred and seventy-three British regulars; a detestable, horrible affair, with consequences leading no man knew whither.

One of the first consequences was that the minute men all through New England were summoned, and were soon streaming along the roads that led to Boston. Rough, ungainly, unassorted men, round-shouldered and stiff from labor; some of them, perhaps, in the old, ill-fitting militia uniform of blue turned back with red, but most of them in smock-frocks, as they had worked in the fields, or with faded red or green coats, old yellow embroidered waistcoats, greasy and dirty; some with great wigs that had once been white, some in their own hair, with every imaginable kind of hat or fur cap, trailing every variety of old musket and shotgun; without order or discipline, joking with their leaders, talking, excited, welcoming to their ranks students from New Haven and clerks from country stores, they hurried from the bleak hills of New Hampshire and the sunny valleys of Connecticut, until within four or five days they had collected sixteen thousand strong at the little village of Cambridge, where they remained, half starved, shivering in the cold nights without blankets.

Their leaders distributed these starving, shivering, motley patriots, about a thousand to the mile, in a large half-circle on the west side of Boston, from the Mystic

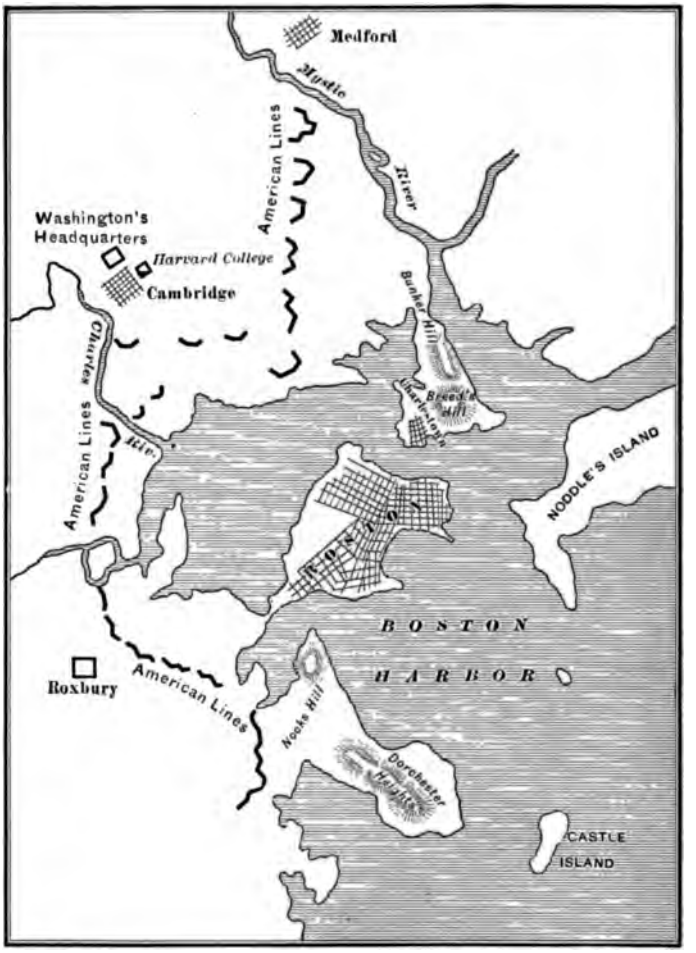
River on the north, through Cambridge, and round to Roxbury and Dorchester on the south, shutting in Gage and his handful of four or five thousand men, who, the patriots said, must now take ship and leave Boston free.

A rebellion always seems ridiculous, impossible, and mistaken, except to those that have drunk its inspiration. Horrible stories were circulated about the atrocities committed by the farmers on the dead and wounded regulars at Lexington. They had not forgotten, it was said, their habits in the French and Indian War. They scalped some of the wounded British soldiers, leaving them to drag themselves about in torture with their bleeding, skinless skulls; and they gouged out the eyes of others in true Virginian fashion.* Americans never believed these tales; but they were circulated and believed in England. What sane man, English people argued, could approve of this rebellion against the great righteous British empire, that, having already conquered India and America, was proceeding to absorb half the earth and outnumbered the colonists four to one?

Such was the opinion of nearly a million of our people at that time. Certainly more than a third, and some have said more than half, of our white population believed that the rabble of farmers surrounding the handful of self-restrained and handsome troops in Boston was not merely a rabble of the misguided, but a rabble of criminals, who were bringing destruction on the innocent along with themselves.

How shall I describe the people who held this opinion? Some of them were living within sight of the rebel farmers and looking at them from their windows, and the rest

* "The Rights of Great Britain asserted," p. 57, London, 1776; "View of the Evidence Relative to the Conduct of the War under Sir William Howe, with Fugitive Pieces," etc., p. 72, London, 1779.



MAP OF THE SIEGE OF BOSTON, SHOWING THE IMPORTANCE OF BREED'S HILL, DORCHESTER HEIGHTS, AND NOOK'S HILL

were scattered through the colonies to the swamps and pines of Georgia.

No census was taken, and there is no collection of statistics by which we can learn the relative numbers of loyalists and patriots. It is all estimating and guessing; and in this respect the men who took part in the Revolution were not much better off than we are.

The loyalists themselves always believed that they were a majority. Their upholders have supported this assertion by showing that over twenty-five thousand of them enlisted in the British army, and that, without counting those in the privateers and navy, there were in 1779 and at several other times more of them in the British army than there were soldiers in the rebel armies of the Congress.* Washington never had twenty-five thousand men under his command, and sometimes only four thousand. If the British generals, the loyalists said, had given suitable encouragement, there would have been still larger loyalist enlistments.

When we examine the estimates which were made of their numbers by their contemporaries, we find the most extraordinary disagreement. John Adams, writing in 1780, estimated them at not more than a twentieth part of the whole population. In 1815 he estimated them at a little more than a third. Galloway, in his examination before Parliament, and in one of his pamphlets, estimated them at nine-tenths and at four-fifths. General Robertson, in his testimony before the committee on the conduct of the war, estimated them at two-thirds. He described the

* "In nearly every loyalist's letter," says Sabine, "or paper which I have examined, and in which the subject is mentioned, it is either assumed or stated in terms that the loyalists were the majority."—"American Loyalists," edition of 1847, p. 65. See, also, Ryerson, "Loyalists of America," vol. ii. pp. 57, 128, *et seq.*

population as one-third for the Congress, one-third neutral, and one-third loyal, which he thought gave two-thirds which could be called loyal.

I can suggest only one way of reconciling these statements, and that is by defining what is meant by the term loyalist. There were, in a general way, four classes of persons to whom the name could be applied. The first class was composed of people who were thoroughly English, untouched by the American environment and aggressiveness, and not only uninfluenced by the rights of man and Whig principles, but loathing and detesting anything of that kind. Most of these people finally left the country and went to live in England, Canada, or the West Indies. Governor Hutchinson, of Massachusetts, and that very muscular Christian, Rev. Dr. Boucher, of Maryland, were of this class; and perhaps Jonathan Sewall and Daniel Leonard might be included in it.

The second class were somewhat more Americanized. They were anxious to remain; but they wished the country to be ruled by England. They had no confidence in any other rule. They were willing to argue and struggle in a "legal and constitutional manner," as they called it, for greater privileges, or for "redress of grievances;" but if England decided against them that would end the matter. These were the people who were willing to accept British rule without "guarantees of liberty," having full confidence that in the long run that rule would be satisfactory, and that the "guarantees" which the patriots demanded were unnecessary. They were strong believers in the empire, and wished to live in colonies which were part of the empire. Curwen, of Massachusetts, and Van Schaack, of New York, who have left us such interesting memoirs, seem to have been of this class; so also were some of the De Lancey family, of New York, and Joseph Galloway and

THOMAS JONES, OF NEW YORK, A TYPICAL LOYALIST

the Allen family, of Pennsylvania. The great stumbling-block with them was the Declaration of Independence. In the early stages of the Revolution they had acted for the most part with the patriots and prevented any distinct line of demarcation between the parties. But when the movement for independence showed itself strongly, as in the approval by the Congress of the Suffolk resolutions, they began to drop out of the patriot ranks; and when it became evident that there was to be an open declaration of independence, they went out in greater numbers. They were often treated with contempt by British officers, and called "whitewashed rebels." The well-to-do among them, as Graydon tells us, were sometimes informed that by their former association with the rebels they had forfeited their right to be treated as gentlemen. A very large proportion of this second class left the country before the war was over and never returned, and, as they were out of sympathy with the American national spirit, their absence was an advantage to us.

These two classes included all that could be strictly called loyalists. But the term was often applied to the neutrals and those who, for want of a better name, may be called the hesitating class. The neutrals would have nothing to do with the contest either one way or the other. Most of the Quakers of Pennsylvania, and many of the Pennsylvania Germans were neutrals. There were also individuals of all sorts of creeds scattered over the country, some of them persons of wealth and prominence, who held entirely aloof, and are properly described as neutral.

The hesitating class have sometimes been described as the people who were wondering on which side their bread was buttered. Some of them would at times enlist for a few weeks with the patriots; but a patriot disaster would scatter them; and many of them deserted to the British or

took the British oath of allegiance, which they frequently broke at the first opportunity.

Most of them, however, never enlisted at all. They were more or less willing that the patriots should win; but they were waiting for that event to happen. All through the Revolution we hear of the prominent ones among them, especially in New York, going over to the British side, having made up their minds that at last the current had set that way. In the dark days of 1780 a great many of them went over, and they were apparently quite numerous in the Southern colonies.

When all these classes were counted together, there was a certain amount of plausibility in General Robertson's saying that the loyalists were two-thirds of the people; and when Galloway says that they were four-fifths or nine-tenths he was evidently counting with considerable exaggeration all the people that could be in any way relied upon, positively or negatively, to assist the British cause.

When Adams said that the loyalists were only one-twentieth of the people, he was interested in making their numbers seem as small as possible, and we may assume that he was speaking only of the extreme loyalists, possibly only of the class first mentioned. He was then in Amsterdam trying to persuade the Dutch to take the side of the American patriots with loans of money, if not by actual war. He was answering a request of the famous Dutch lawyer, Calkoen, who had asked him "to prove by striking facts that an implacable hatred of England reigns throughout America," and, "to show that this is general, that the Tories are in so small a number and of such little force that they are counted as nothing."

Adams complied to the best of his ability, and did not think it necessary to count the neutrals and hesitating class, or to exaggerate at all the numbers of the extreme

loyalists. Many years after the Revolution, in 1813, he said that the loyalists had been about a third, and he was then evidently counting the first and second classes. In 1815 he said substantially the same, and gives an interesting estimate which is very like that of General Robertson.*

"I should say that full one-third were averse to the Revolution. These, retaining that overweening fondness, in which they had been educated, for the English, could not cordially like the French; indeed, they most heartily detested them. An opposite third conceived a hatred for the English, and gave themselves up to an enthusiastic gratitude to France. The middle third, composed principally of the yeomanry, the soundest part of the nation, and always averse to war, were rather lukewarm to both England and France; and sometimes stragglers from them, and sometimes the whole body, united with the first or last third, according to circumstances."—Adams, Works, vol. x. p. 110.

The violence with tar and feathers and the restricted freedom of speech must, as Sabine points out, have turned many patriots into loyalists. Many who sympathized with patriot principles wanted to check the patriot disorders and compel them to respect the rights of person and property. But failing in this, and being treated with suspicion, abuse, and contempt, they were forced in self-defence into the ranks of the loyalists.

After hostilities began and the Revolution was well under way, the loyalists were probably a majority in New York, in South Carolina, and in Georgia. In Pennsylvania, Maryland, and New Jersey they are supposed to have been more evenly balanced, each side claiming the majority. Even in New England and Virginia the loyalists were more numerous than is generally supposed.

We may form a more distinct idea of their numbers

* Adams, Works, vol. vii. p. 270; vol. x. pp. 63, 110, 193; American Historical Review, vol. i. p. 27; "View of the Evidence, etc., on Conduct of General Howe," pp. 46, 50.

when we learn that all through the Revolution they were leaving the country by thousands,—three thousand here, four thousand there, twelve thousand at another place, up even to one hundred thousand which are said to have left with Sir Guy Carleton when he evacuated New York.*

In spite of all these migrations the patriots found it necessary, all through the Revolution, to banish, confiscate, lessen their numbers, and break their spirit in every possible way. Some of the worst atrocities committed upon them happened after peace was declared, and this is said to have caused the great migration with Sir Guy Carleton. Many of them became convinced that there would be no use in trying to live in the country even in peaceful times. There was quite a strong opinion among the patriots that if the extreme loyalists remained they would form a dangerous political party which would check the growth of nationality and watch every opportunity to assist England to gain again some sort of suzerainty or control over America; and there is no doubt that England had hopes of this for many years.

The province of New Brunswick in Canada was settled by loyalists, and cut off from Nova Scotia for their satisfaction and accommodation. They became also the founders of upper Canada. Thousands of them returned to England. Other thousands, especially the neutrals and hesitating class, remained, and their descendants are with us to-day.

While it is true that a large portion of the professional classes, clergy, lawyers, doctors, teachers, and graduates of Harvard College were represented among the loyalists, yet we must disabuse our minds of the fancy so many have that most of the loyalists were upper-class people. Three-fourths of them and more were of the lower and middle classes, as

* De Lancey's note to Jones, "New York in the Revolution," vol. ii. p. 504; Elizabeth Johnston, "Recollections of a Georgia Loyalist."

can readily be seen in the lists which were published in Philadelphia, Boston, and New York giving each one's occupation or rank. Candle-makers, carpenters, blacksmiths, sailors, shop-keepers, clerks, tide-waiters, and yeomen, as laboring men were then called, are profusely mingled with merchants, physicians, lawyers, and gentlemen.

The serious effect which the neutrals and hesitating class had in increasing the strength of the loyalists and in weakening the patriots is seen in the number of Washington's forces. The highest guess at the number of the patriot population puts them at two-thirds, or, say, 1,400,000 out of the 2,200,000 white population. But if there were really 1,400,000 enthusiastic patriots, they would surely have furnished more than the 10,000 men which Washington usually had. He should have had at least 50,000 out of a patriot population of 1,400,000; and, indeed, 50,000 is the number which the Congress always expected, but never obtained. Even in their direst need and by the greatest urging and compulsion of all the patriot leaders, by offering bounties, gifts of land, and by drafting they could never get quite 25,000 all told.*

During the winter of 1777–78 the patriots must have

* In the Boer War in South Africa in the year 1900 the Boers of the Transvaal and Orange Free State did not number 300,000, and yet they put into the field an army of over 40,000. Their greater unanimity is, of course, easily explained, because they already had independence, which they were fighting to retain, while we were colonies rebelling to obtain independence.

An error has crept into some standard books of statistics, to the effect that the number of patriot troops in the Revolution was 231,959. These astonishing figures, so irreconcilable with Washington's returns and the reports of battles, grew out of some incomplete and random statements of General Knox, not at all intended to produce the inferences that were drawn from them. See Massachusetts Historical Society Proceedings, 2d series, vol. ii. p. 204, where Mr. Justin Winsor deals with the subject.

been very few in number in Pennsylvania and New Jersey; for during that winter Washington's small force of less than nine thousand men almost starved to death at Valley Forge. They were surrounded in every direction by a rich farming country. The British army of twenty thousand shut up in Philadelphia relied chiefly on ships which brought supplies up the river. But the farmers of the surrounding country voluntarily brought and sold their supplies to the British in Philadelphia, leaving the patriot army to starve. The few provisions Washington had were obtained by raiding these loyalist supply wagons on their way to Philadelphia and by sending far to the south in Virginia and the Carolinas.*

If the patriots were as numerous and enthusiastic as some have supposed, the starving time at Valley Forge is inexplicable. The usual difficulty of putting down a rebellion, or destroying independence, is that the native population support the patriots; hence the concentration camps that have been used in modern times to prevent such assistance and to exert a moral pressure by imprisoning the patriot women and children, where they will be subjected to the diseases, demoralization, and misery of close quarters. This method had not been thought of at the time Howe was in Philadelphia, and he had not much need of it; for Washington's force very nearly perished by simply leaving him to the mercy of his own people.†

* Sargent, "Life of André," p. 159; Galloway, "Letter to Right Honorable Lord Viscount Howe," p. 27, London, 1779; Cobbett, "Parliamentary History," vol. xx. p. 346; Parliamentary Register, vol. xiii. p. 464.

† Captain Graydon, who was a patriot recruiting officer, tells us that enthusiasm for the patriot cause "was far from prevalent among the lower ranks of the people, at least in Pennsylvania." He relates also the long journey he made in Maryland, to gain only one recruit.—Graydon, "Memoirs," edition of 1846, pp. 34, 37.

The truth is that those who were really willing to risk themselves or their property in the cause of independence, and die in the last ditch, were comparatively few. There is every reason to suppose that they were less than a million. They were the heroic element, deeply inspired by the desire for a country of their own. Then there were those only a little inspired, who were willing that the heroes should perform the miracle of succeeding. But they could not see any advantage in risking their own necks, health, property, or comfort in the performance of something, which, after all, might be superhuman. They were waiting and watching. If the rebellion were crushed they would be sorry, but they would also be safe.

XIV

THE SECOND CONTINENTAL CONGRESS AND THE PROTESTS OF THE LOYALISTS

With Lexington fresh in everybody's mind, the second Continental Congress, which some had professed to think would never be necessary, assembled on May 10, in Philadelphia. Many of the former members were present and a few new ones.

In June, a new member appeared,—a tall young man with a prominent chin, light-colored eyes, and red hair. He was not an orator or even a good speaker; but in ordinary intercourse he could keep up an enthusiastic, hopeful conversation, full of varied information and point. This young Virginian, of good estate, half lawyer and half planter, had no respect for conservatism. He not only approved of the farmer army besieging Boston, but would overwhelm the whole of Europe with such things. People were soon hearing a great deal of this Thomas Jefferson, and some of them described him as "the most delightful destroyer of dust and cobwebs that they had ever known."

Franklin had just returned from England, and had been immediately elected to the Congress. He had sailed almost on the day the Fisheries Bill had passed, not quite sure that he would not be seized before he could start, and locked up in the Tower. He had steadily declared his belief in the possibility of a compromise, and expected to go back to England in a few months charged with the mission of finally settling all difficulties. But when he reached Philadelphia and heard of Lexington, he quickly

abandoned all talk of a peaceful settlement and took his place among the extreme patriots.

Lexington, the unorganized army besieging Boston, the final passage of the Fisheries Bill, the savage, blunt refusal of all colonial suggestions of liberty, and fresh troops and armaments sailing for America were now the great and deplorable facts of the day. What was to be done?

Philadelphia and the Congress could no longer be gay and jovial. Dinner parties and entertainments were few. The Congress had no time for them, for they were at work from morning till far into the night. Those who engage in an open rebellion against Great Britain have no time to lose. Moreover, many of the people who, the year before, had entertained the members at their houses were no longer friendly to the Congress.

John Adams was advocating most extreme measures in both public and private. He was proposing to recommend to each colony to seize all the crown officers and officials within its limits, and hold them as hostages for the safety of the people shut up with the British army in Boston. That done, the colonies were to be declared free and independent States, and then Great Britain could be informed that they would negotiate for a settlement of all difficulties on permanent principles. If she refused to negotiate, and insisted on war, she was to be informed that the colonies, now independent States, would seek for the alliance of France, Spain, or any European country that would assist them. And all this by those who had just declared that they had a horror of independence, and would not have it under any conditions. To cap the climax, the Congress was to adopt the unorganized farmers at Cambridge as its army, and appoint a general to command them.*

* Adams, Works, vol. ii. p. 407.

Conservatives and loyalists shrank from such proceedings. They were horrified to hear that the Congress was proposing to ask assistance of France and Spain, old England's bitterest enemies. They were shocked when they heard that Arnold, who had set out from the patriot army at Cambridge, had, with the assistance of Ethan Allen, in Vermont, actually had the temerity to attack the two British forts on Lake Champlain, Ticonderoga and Crown Point, and had taken them on May 10, the very day the rebel Congress had assembled in Philadelphia. He sent the British flags he captured to the Congress, and they decorated the walls of Carpenters' Hall with them as trophies, to show how much they loved the "dear old mother."

The doctrine, exclusively American in its origin, that rebels were merely men in arms fighting for an idea, mistaken or otherwise, who, when once subdued, were to be allowed to go their way like paroled prisoners of war, had not yet gained ground. Rebellion was at that time a more serious thing than it has since become under the American doctrine of the right of revolution. Most of the colonists could remember the slaughter and beheading inflicted in England on the rebels under the Pretender of 1745. The frightful hanging, torturing, and transportation of men, women, and even children, for such rebellions as that of Monmouth, were by no means yet forgotten. There was not a colonist who had not heard descriptions of London after a rebellion, with the bloody arms and hindquarters of rebels hung about like butchers' meat, the ghastly heads rotting and stinking for months on the poles at Temple Bar and on London Bridge, with the hair gradually falling off the grinning skulls, as the people passed them day by day.

A printed statement of the punishment for treason, taken from the British statute, was handed about in the

colonies, no doubt to the great terror of many, and to the enforcement of the belief that it would be well to let the great civilizer, Britain, continue to govern America.

"That the offender be drawn to the gallows, and not be carried or walk; that he be hanged by the neck, and then cut down alive; that his entrails be taken out and burned while he is yet alive; that his head be cut off; that his body be divided into four parts; that his head and quarters be at the king's disposal."

The loyalists reminded the restless revolutionists that they were opposing a country which, by the testimony of all time, had always given more liberty to its people and more orderly good government than any other nation in the world. As against the present outrageous violators of personal rights, the loyalists pointed to the peaceful security of those rights in the colonies under British rule previous to the recent outbreak of conceited colonial self-confidence. They pointed to the peaceful security of all rights of personal liberty in England and wherever the sway of the British empire was undisturbed, that wondrous empire with its constitution, such a perfect balance between despotic power and popular licentiousness, that could protect the colonies forever by its military and naval greatness.

"Government and good order are its strength; liberty, civil and religious, its glory. Everything that contributes to its reputation and happiness I love; everything that tends to distress and disgrace it I abhor."—"What think you of the Congress now?" New York, 1775.

One of the ablest of the loyalist writers, after describing what he considered the atrocious mob rule of the patriot colonists, condensed in a sentence the deepest feeling of the loyalist party.

"All the hardships which you complain of, all the evils which you say you fear, from the weight of Parliamentary power, endured for a

century, would not injure this province so much as this mode of conduct (mob rule) continued for a twelve month."—"The Congress canvassed," p. 28, New York, 1774.

In another pamphlet we find a similar passage:

"Be not deceived, my countrymen, order is in every respect more eligible than confusion. 'Tis heaven's first law, 'tis the *basis of liberty*. Let us therefore restore order and good government among ourselves; for until we do that it is impossible to be *free*."—"Short Advice to the Counties of New York," p. 15, New York, 1774.

From the writings of other loyalists like Sewall and Leonard we can learn what an alarming appeal they made to those patriots who were timid and hesitating. The strength, they said, which Great Britain is able to exert is more than sufficient to crush you to atoms in spite of all your bragging and vaporing. You will encounter a veteran army and navy lately come from sweeping the seas in all quarters of the globe. Your revenue, by your own calculation, will be only £75,000 a year against a nation which in the last war spent £17,000,000 a year. Your towns are all on deep water and exposed to Britain's fleet. The greater part of your plantations and farms can be reached by the small boats of men-of-war; you will be exposed to calamities from which even demons turn their eyes. One summer will suffice to ruin you.

Many of the colonists who had inclined to the patriot side were driven from it by the impossibility, as it seemed to them, of the colonies uniting in one government. The disintegrating forces of sectionalism would bring anarchy and confusion. Writers like Sewall made a strong appeal on this point. No radically distinct states, they said, have ever been successfully united in one government. You cannot keep eleven clocks all striking at the same time. History is full of such failures, and you, like the others, will become the prey of military despotism, and soon be

parcelled out, Poland-like, between France and Spain. Even if you escape this fate, your so-called independence will be a curse, because personal liberty, the security for life and property which Britain alone can protect, will be extinct among you. Even now you tar and feather, torture, and ruin those among you who are guilty of no other crime than upholding by argument the government under which you have lived and flourished for nearly two hundred years.

We can now easily answer these arguments by merely stating the events that have since happened; but it was by no means easy to answer them when those events had not happened, when nobody really knew whether they would, and when there was very strong probability that they would not, happen.

That we should, at what was rapidly becoming our last moment, obtain the assistance of France, not to mention the assistance of Spain, and, later, of Holland, and that France, after helping us, would allow us to remain independent, was a statement which, in the year 1775, was by no means clear to every one. The loyalists were disgusted with the thought of even asking France for assistance. They had fought the French in Canada; they had an hereditary hatred of France as the ancient and perpetual enemy of the English race. That she might possibly assist us for the purpose of weakening England they were willing to believe; but even this was uncertain, because French finances were generally thought to be in such a deplorable state as to prohibit her from another war with England, and she would not want to encourage rebellion, because she had colonies of her own in the West Indies. But supposing her reckless enough to enter upon such a war, and that she should succeed in doing what she had failed to do a few years before,—namely, drive Great Britain from the

American continent,—was it believable that after that she would voluntarily let us go free? Such a supposition was contrary to history, contrary to human nature, and contrary to all that was known of the French monarchy.

Even men like John Adams, who eagerly sought the assistance of France, believed to the last that she intended to enslave us. A political party grew up, especially in New England, inspired by this belief. Adams quarrelled with Franklin because he thought him blind to this danger; and at the close of the Revolution, when the treaty of peace with Great Britain was being negotiated, some American public men were seriously alarmed and lost faith in Franklin as a negotiator, because they still felt sure of the evil intentions of France.

In 1782, when the Revolution was to all intents finished, both Curwen and Van Schaack expressed what was the general opinion among loyalists and many others, that America was completely in the grip of France, and would remain so. Curwen expected to see "French dominion and wooden shoes" remain forever in what had once been free British colonies.*

That France gave up all claim of suzerainty over us was part of our good fortune. But that such ideal conduct on the side of human liberty should really take place, and have to be credited to a French monarch, whose people were ground down under such a weight of despotism that they soon burst forth like a volcano, in what we call the French Revolution, was more than many of the educated, well-informed men of the year 1775 felt justified in believing.

Spain, it was said, would certainly not assist us, for it would be an encouragement for all her South American colonies to break away from her. It was more likely that she and France would help to subdue us and demand part

* Van Schaack, 272; Curwen, 339, 344.

of our territory as a reward. Many loyalists believed that, even with the assistance of France and Spain, we could not win our independence.*

The recent struggles of small states in Europe to secure their independence were not encouraging. Sweden had been very unfortunate, and the liberties of the free towns of Germany had been curtailed. Within the last two or three years Austria, Russia, and Prussia had joined forces in conquering and making the first division of Poland's territory. In fact, this first attempt on Poland had been so successful that many expected soon to see a division of Switzerland and of the United Provinces.

The Corsicans had won a temporary independence by the heroism and intelligence of their leader, General Paoli, who was popular in America, where a famous inn on the western road from Philadelphia was named after him. But in 1769 France completely crushed Corsican independence.

"Behold your fate when you appeal to France," said the loyalists. "Do you suppose that the power which destroyed the independence of Corsica will give you independence?"†

In fact, at this period the aggressions of the great nations over the small had very much increased. The day for small nationalities seemed to be passing; and in England Toryism was becoming more and more powerful.‡

* "The Political Family, or a Discourse," etc., pp. 15–27, by Isaac Hunt, Philadelphia, 1775.

† "A Letter to the People of America," p. 29, London, 1768. See, also, Lecky, "England in the Eighteenth Century," edition of 1882, vol. iii. p. 223.

‡ A year after the French alliance we find many prominent men deserting the Revolutionary party. They had been "lying on their oars to see which way the game would finally go," and had decided that the patriot cause, even with the assistance of France, was hopeless. —Curwen, "Journal and Letters," p. 207.

Even stout and pugnacious patriots like John Adams could at times find no comfort. Suppose Great Britain crushed the whole outbreak, as she evidently intended to do, and governed the colonies as she had governed Ireland or India, where would he be?

"I go mourning in my heart all the day long; though I say nothing, I am [illegible] for the public and anxious for my family. As for myself, [illegible] and trousers, a hoe and spade would do for my remaining days.

"I feel [illegible] anxiety," he writes again. "God grant us wisdom and fortitude. Should the opposition be suppressed, should this country submit, what infamy, what ruin, God forbid! Death in any form is less terrible."

"There is one ugly reflection," he says, in a letter to Joseph Warren. "Brutus and Cassius were conquered and slain, Hampden died in the field, Sidney on the scaffold, Harrington in jail. This is cold comfort."—Morse, "Adams," pp. 54, 60.

It was simply a desperate chance, a forlorn hope, which the patriot colonists seized with that faith, that determination to do or perish, which only rebels and enthusiasts inspired by great ideas possess. They could not prove conclusively that their ideal and hope of independence was either possible or practicable; and the clever writers among the loyalists could easily make it seem to be a delusion or a chimera. After a certain point was reached on the patriot side all argument became useless, and hundreds of humble instances of this were occurring every day. Thomas Johnston, for example, of Charlotte County, Virginia, had been argued and expostulated with, and doubtless balanced and worried in his own mind a great deal. But at last he reduced it all to the simple announcement, "I expect to share with the Americans in the present unhappy contest, whether the event proves good or bad;"* and that was really all that could be said.

American Archives, fourth series, vol. ix., January 30, 1776.

XV

BUNKER HILL

DURING the month of May, while the Congress was debating whether it would adopt the extreme measures which such men as John Adams were advocating, General Howe, accompanied by Burgoyne, Clinton, and several thousand men, was on the ocean; and on the 25th of May, they sailed into Boston harbor and joined Gage in the town. Gage's force was by this means raised to about 10,000, so that it seemed comparatively easy for him to face the 16,000 farmers who shut him in on the land side.

After all that Howe had said to his constituents about the righteousness of the American cause, and that he would not fight against such people, there was surprise and some indignation among the Whigs in England when his appointment was announced. The Congress at Philadelphia declared that "America was amazed to find the name of Howe in the catalogue of her enemies. She loved his brother." *

"You should have refused to go against the Americans," said his old supporters at Nottingham, "as you said you would." But Howe, not in the least disconcerted, replied that his appointment came not as an offer, but as an order from the king, and he had no choice but to obey.† He was to serve as a subordinate for a few months, and then supersede Gage as commander-in-chief, to put down the American rebellion.

* "The Address to the People of Ireland," p. 8.

† Bancroft, "History of the United States," edition of 1884, vol. iv. p. 129; Galloway, "Reply to the Observations of Lieutenant-General Sir W. Howe," pp. 112, 138, London, 1780.

So he was in Boston, with the troops camped on that hill where we now follow the streets called Beacon and Tremont. From the hill one could then look over the houses below and see far out into the harbor and watch the approaching ships rise up out of the horizon.

Beacon Hill, on which the troops encamped on vacant lots of ground and on the common, was then exactly what its name implies. On the top of it was constructed a sort of high platform which could be heaped up with pitch-pine and combustibles, which a few strokes of a flint and steel would send blazing into the air. It was a monument of rebellion, a symbol of the passion for self-government, and might have been made the Massachusetts coat of arms. Nearly a hundred years before, when Massachusetts heard that James II., the symbol of British despotism, had been driven from the throne, this beacon was kindled. The modern telegraph and telephone could not have delivered their message more speedily. The people understood. They poured into the town. They seized the officials of the British power, governor and all, and, gently placing them on ships, sent them back to England. The colony belonged to the people again for a little while, as in the old days before they lost their first charter; and one moment of self-government was to a Massachusetts man worth the sacrifice of all the rest of life.

But now there was a different scene on Beacon Hill. The British government was more powerful than it had ever been before; and one could gaze with amused interest on the ten thousand troops shut up in a town with the townsfolk who were their enemies.

The soldiers, Lieutenant Clarke tells us, seemed shorter in stature than the Americans. There were some regiments of veterans, famous organizations, such as the Forty-seventh, "Wolfe's Own," the Thirty-eighth, and

the Fifty-second. There were Irishmen in the ranks, and a regiment called "The Royal Irish." It was rather curious that Irishmen should be fighting to destroy the ideas and principles which in the next century saved thousands of their race from death in the Irish famine, and gave millions more a refuge and a home, a liberty and prosperity unattainable for them under Britain's rule.

In Boston, however, at this time, Britain's soldiery, boisterous and boastful, were living merrily enough. They took the Old South Church for the cavalry, or, as an officer described it, "a meeting-house where sedition has been often preached, is clearing out to be a riding-school for the dragoons." *

Sentinels posted in all parts of the town were perpetually challenging the people, and quarrels were frequent because of the strained conditions. The people were ready to believe any evil of the soldiery, and the soldiery were anxious to find evil among the people. The people insisted that they had caught Captain Wilson, of the Fifty-ninth, inciting the negro slaves of the town to attack their masters, and the army believed that it had complete evidence of a plot among the townsfolk to massacre all the British officers who were quartered in dwelling-houses.†

Most of the rebel townsfolk, especially the prominent ones, had gone away. Hancock's handsome residence was closed. No one would have answered a knock at Samuel Adams's rickety dwelling. But many of the ordinary people, who could not very well be tried for treason, remained. Loyalists were numerous, and Gage had a citizens' patrol of three hundred of them, whom he made very proud by giving them badges. No doubt they ridiculed

* Carter, "Genuine Detail of the Blockade of Boston," p. 8.

† Clarke, "Impartial and Authentic Narrative of the Battle of Bunker Hill," p. 25.

the farmers' army, gave plenty of suggestions for suppressing the wicked rebellion as quickly as possible, and were happy in their confidence that the beneficence of British rule would soon be re-established.

Soon, however, there came a day, a Saturday afternoon, of the greatest possible excitement, when all the inhabitants then in the town—loyalists, rebels, and soldiers—could stand on the hill or climb on the roofs of the houses, or on the masts of ships, and, looking across towards Charlestown, see redcoats mowed down, whole ranks at a time, by old fowling-pieces and Queen Anne muskets in the hands of farmers; see the blood staining the bright June grass, and wounded men rising on their elbows to vomit, than which, after a bull-fight, what could be a grander or more ennobling sight.

It is not often that a battle is seen with perfect distinctness by non-combatant spectators who outnumber by thousands the forces engaged on both sides of the fight. But Gage, military governor and commander-in-chief of Massachusetts, insisted on giving his people this spectacle.

It had been for a long time quite obvious to him that the hill north of Boston across a narrow strip of water should be occupied as an outpost, because if the farmers seized it they could cannonade the town. So now, being greatly reinforced by the new arrivals, he made preparations for occupying and fortifying that hill, when lo! one morning, June 17, 1775, he beheld the farmers in full possession of it. They had worked like beavers all night, making breastworks of earth, hay, and fence-rails, after their absurd rustic manner; and they kept working away all morning in spite of the guns fired at them from the men-of-war.

The hill which the farmers had seized was Breed's Hill, on a peninsula connected with the main-land by a very

narrow passage. The patriot army, which at this time was commanded by General Ward, assisted by Putnam, Stark, Prescott, and others, had learned of the probability of the British seizing the hill, and had determined to forestall them. In the judgment of military critics it was a rather desperate undertaking, because they were going out on a peninsula where the British, by seizing the narrow passage at the main-land, might catch them like sheep in a pen.

It is probable that they were led to take this risk by the feeling that, if they remained inactive and avoided fighting, the patriot cause would be injured and discouraged. This explanation applies to several battles during the first three years of the Revolution which were fought under great disadvantages, and in which defeat for the Americans was certain. But certain defeat was far less injurious than a refusal to fight.

They, however, risked on the peninsula only fifteen hundred men, who went out under the leadership of Putnam, Prescott, and Stark. They at first intended to seize Bunker Hill, but found Breed's Hill easier to fortify and nearer to Boston. They built the earth redoubt on Breed's Hill, and then extended their line to the water on their left by means of fence-rails, hay, and a low stone wall.

Gage declined to take the obvious course of sending a force behind the rebels at the neck of the peninsula. He said he would be placing such a force in a dangerous position between the rebels on Breed's Hill and their reinforcements near Cambridge. There was no necessity, he thought, for taking so much risk as that, because two or three thousand of his Majesty's troops could easily send these peasants flying by attacking them in front in British fashion. This force he placed in command of Howe, with General Pigot to assist him.

It was a strange position for a Whig, the brother of

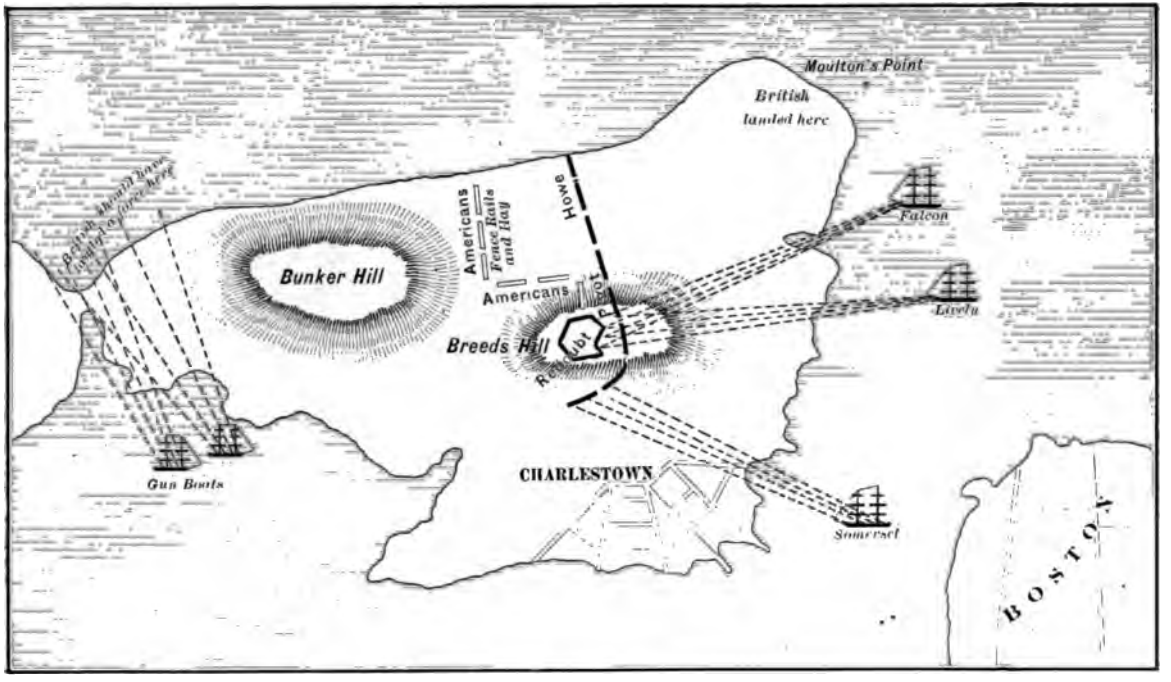
George Howe, to lead such an attack on the New England farmers, who had fought under both him and his brother in the French and Indian War. If left to himself, he would never have made such a front attack. He would have made one of those flanking and rear movements with which afterwards, whenever compelled to fight, he was invariably successful against Washington without a great loss of life. But he was not yet in supreme command. He was a subordinate and must obey.

In all the controversy over Howe's conduct in the Revolution, his courage was never questioned. In fact, his reputation for rather remarkable courage had long before this been well established. Sending Pigot up against the redoubt, Howe led his own division against that part of the farmers' line where the rail fences had been placed together and stuffed with hay. He had chosen the worst place, for behind that hay was the old trapper, Stark, from New Hampshire, and that other mad rebel, "Old Put," the wolf-hunter from Connecticut.

Howe is said to have made a speech to his men, which was, in substance, "You must drive these farmers from the hill, or it will be impossible for us to remain in Boston. But I shall not desire any of you to advance a single step beyond where I am at the head of your line." *

The card-player was always very precise on the battlefield. When within one hundred yards of the hay he compelled his troops to deploy into line. For this he was afterwards severely criticised. He should have taken them up, it was said, in columns. But in columns they would have been just as much of a target. The card-player usually knew what he was doing, especially in sparing the lives of his men. They moved up, about twelve feet apart

* Clarke, "Impartial and Authentic Narrative of the Battle of Bunker Hill," p. 8.



MAP OF THE BATTLE OF BUNKER HILL

in front, but very close after one another, in deep, long files. They were beautiful, brilliant, their red coats, white knee-breeches, and shining musket-barrels glittering in the sun. At the distance of about a hundred yards they began firing at the hay, from which there was an occasional shot from some patriot who could not be restrained.

No doubt they joked and encouraged one another, and shouted at the mohairs and dunghill tribe, as they called the colonists. "Let us take the bull by the horns," some of them are reported to have said; and they may have sung snatches from their favorite song, "Hot Stuff:"

> "From such rascals as these may we fear a rebuff?
> Advance, grenadiers, and let fly your hot stuff."

Unfortunately, our accounts of this remarkable battle are very meagre in reliable details. We know, however, that they moved up to within fifty steps of the hay, amazed that not a shot answered their volleys. Fifty steps seem now a very short range, but all the battles of that time were fought at about that distance, because the smooth-bore muskets and shot-guns that were used were inaccurate beyond fifty yards, and practically useless at a hundred.

Suddenly, when the front line of the regulars had moved a few steps nearer, the faces of the farmers rose above the barrier and the sweep of the farmers' scythe, those dreadful volleys of miscellaneous missiles that had been crammed into the old guns, made a terrible day for British soldiers.*

* A bullet and from three to nine buckshot was a common load for a musket, and this practice of using buckshot in addition to the bullet prevailed down to the time of our Mexican War. Colonel Dearborn relates that at the attack on Quebec his gun was loaded with a bullet and ten buckshot.—Codman, "Arnold's Expedition to Quebec," p. 241. The patriot soldiers often, it seems, put old nails in their guns, and Howe complained to Washington, September 21, 1776,

Whole ranks were cut down to a man. The survivors hesitated, and then turned down the hill like frightened sheep, to halt at the bottom and stare back at their comrades, struggling and dying on the grass.

Pigot's division was in a similar plight.

The men-of-war in the harbor now renewed their cannonade. The balls ricochetted up the hill-side, and the shells burst savagely overhead, but the farmers were again entirely silent.

Howe rallied his men. He had been with some of these regiments in Canada in the French war, and no doubt addressed to them some stirring words which have not been recorded. He led them up again, up to within that same fifty paces, without a shot in reply. They moved nearer. Could it be that they could reach the breastwork and spring over it unharmed? They moved on, drew closer; they were within thirty yards of the hay, which suddenly, at a word from the trapper and the wolf-hunter, turned into a spitting flame and smoke, and Howe must have believed that this was the last fight of his career. They stayed a little longer this time; they had come so far that they tried to move up closer; they saw the American face as no Englishmen had ever seen it before.

"Colonel Abercrombie, are the Yankees cowards?" a farmer would shout, as he rested his piece on the breastwork. No doubt also terrible curses and fierce denunciations of British rakehells, tyrants, and brutes were poured over with the bullets. It was something new for a British officer to see an old farmer let a young redcoat come up close and then, levelling his rusty duck-gun of vast bore,

of the use of bullets cut in half and each half affixed to the end of a nail.—De Lancey's note to Jones, "New York in the Revolution," vol. i. p. 610.

draw on the boy the deadly aim that tore him to pieces with buckshot and slugs.

"There, there!" they would cry; "see that officer! Shoot him." And two or three would cover him with their guns, terrible old pieces, loaded with all manner of missiles. They had been told to aim for the belt, and nearly every soldier was hit in the thighs and loins. When he had received there the discharge from an old duck-gun he was a horrible sight for the surgeon.

But Howe, though resolved, if necessary, to make that day his last, could not hold his men up there by the hay. They fled panic-stricken. Some even rushed into their boats at the shore; and Howe soon found himself at the bottom of the hill, no doubt very much surprised to be yet alive. His white silk knee-breeches and long white stockings were soaked with blood; but it was the blood of his men among whom he had trampled. He had not a single subordinate officer remaining; they were all lying up on the hill-side.

A long time elapsed while he consulted with Pigot and his officers, who were for giving it up and going back. But the card-player had a reputation to support, and was determined to see it out.

The village of Charleston, along the right of the patriot line, was now on fire. The thick, black smoke that comes from burning dwelling-houses was rolled out by the wind in a vast cloud clear-cut against the brilliant, sunny sky of that June day. Beneath that terrible gloomy canopy that was ploughing through the glittering sunlight crouched the silent Americans, looking down at a thousand dead and dying Englishmen on the hill-side, while all around, almost as close as in a theatre, the thousands of spectators in windows, and perched on the tops of houses and chim-

neys and ship-masts, watched this wondrous close of the second act.

No such battle with such a large audience close at hand can ever be fought again, unless we go back to fire-arms that are useless at one hundred yards. The curtain rose on the third act in this theatre, this drama of history that has become a sign and a monument to the world, the sneer and sarcasm of monarchs, conquerors, and lovers of dominion, the hope of the enthusiastic and the oppressed. Was it the design that it should be enacted like a gladiator's show in a little natural arena with overwhelming clouds of witnesses that it might become a symbol, an example to keep alive the endless struggle, the unsolvable problem of the world?

Howe sent Pigot up again, and he went up himself. He ordered the men to free themselves of their heavy knapsacks. He concentrated the whole British force on the redoubt, and used the artillery more effectively. Even with this advantage the first volley his men received was very destructive. But the ammunition of the patriots was exhausted. They were hurling stones over the breastwork and retreating. The regulars sprang up upon the redoubt. They saw barefooted countrymen with trousers rolled up to their knees walking away; and there were scarcely any dead or wounded in the trenches. But only a few of those regulars who first mounted the redoubt lived to tell what they saw, for they were shot down almost to a man with the remains of the ammunition.

Then the whole British force swarmed over the breastwork, and for a time there was confusion and hand-to-hand conflicts as the Americans retreated. The British were finally able to deliver a cross-fire, which caused most of the loss to the patriots that day.

But they moved off in good order. A few yards' re-

treat easily put them beyond the effective range of the muskets. Howe ordered no pursuit, although Clinton urged him to do it, and the helplessness of the farmers was obvious. He had been ordered to take the hill; he would do no more. But the loyalists always believed that he could have inflicted a terrible disaster, could have slaughtered or captured three-fourths of the rebels, and seriously crippled the rebellion.

This was the first specimen of his line of policy, and also the beginning of the serious criticism upon him. From that time, though invariably successful in any battle he personally directed, he never pursued, never followed up the advantage of a victory or allowed it to be followed up by others.

The farmers, grouped in an irregular mass, a most miscellaneous, strangely clad, disorganized body to soldiers' eyes, withdrew from the arena on which they had played their part while the black smoke of the burning town was still rolling high overhead. They had represented their new idea, and they returned somewhat leisurely along Charlestown neck, pelted, as their only applause, by spent and random balls and cannonaded to no purpose from two gunboats or floating batteries.*

There had been about 1500 or 1700 of them, and they had lost in dead and wounded 449. Howe took out from Boston between 2500 and 3000 regulars, and he left 1054, more than a third, on the hill-side.

* "American Historical Review," vol. i. p. 401; Dearborn, "Bunker Hill;" Whieldon, "Bunker Hill;" Frothingham, "Siege of Boston," p. 133.

XVI

THE CHARACTER AND CONDITION OF THE PATRIOT ARMY

Historians and Fourth of July orators have described the thrill of exultation which they say passed like a wave southward through the colonies with the news of the battle of Bunker Hill. The patriots were defeated, lost their hill and 449 in killed and wounded, but they had laid low 1054 British regulars in resplendent uniforms, of whom eighty-nine were commissioned officers. They were encouraged; they could afford to sell the English many hills at the same price; and all manner of inferences have been drawn as to the inspiriting effect of this battle upon the patriot colonists.

This, however, is all modern rhetoric and supposition. Contemporary patriot opinion expressed no elation; but, on the contrary, disappointment, indignation, and severe censure for an expedition which was said to have been rash in conception, discreditable in execution, and narrowly escaped overwhelming disaster.* The patriots abused their troops for going into a trap on the peninsula as loudly as the loyalists abused the regulars for not closing the trap, and not pursuing when they had the opportunity. In contemporary opinion Bunker Hill was regarded as having accomplished nothing for either side.

Looking back through the long perspective, it of course seems most dramatic and interesting, but that must not be allowed to obscure the historic sense. The patriots wanted no more Bunker Hills. They knew that something very

* Frothingham, "Siege of Boston," p. 154; "American Historical Review," vol. i. p. 404.

different was required; and, fortunately, at the suggestion of John Adams, the Congress on June 15 had made Colonel Washington, of Virginia, a general, and placed him in command of the unorganized force of farmers at Cambridge. He arrived at Cambridge July 2, and during the whole summer was engaged in trying to persuade the rabble to become an army. This duty was difficult; but not from lack of time, for he had the whole summer and the following autumn, winter, and spring for the purpose. The Revolution differed from modern wars in having long periods of quiescence, and we have now reached one of the most striking of these periods.

After the battle of Bunker Hill, June 17, 1775, there was, it is true, Arnold's and Montgomery's romantic dash at Canada the following autumn, but there was no fighting in the rebellious colonies, where we would naturally expect it, until the summer of 1776, when Clinton attacked Charleston, South Carolina, June 28; and the battle of Long Island was fought August 27. England would not in modern times allow such a long interval to elapse in the suppression of independence.

It was a great advantage to the patriots to hold themselves independent, unsuppressed, and even unattacked, for a whole year. It helped to prove the Whig position that the Tory ministry had raised a rebellion which they could not suppress; and it increased the possibility of that aid from France which was the dread of England and the best hope of the Americans.

The army, if we may call it by that name, which was besieging Boston was composed almost exclusively of New Englanders. But it was joined during the summer by a few troops from the frontiers of Pennsylvania and Virginia, who aroused much interest, because they were expected to make deadly use of the rifle at three hundred yards instead

of using the smooth-bore musket, which was useless at only half that distance.

Shortly before the battle of Bunker Hill the Congress passed a resolution for raising six companies of riflemen in Pennsylvania, two in Maryland, and two in Virginia. Subsequently, on June 22, they increased the number of Pennsylvania rifle companies to eight, which were to be formed into a battalion and join the patriot army at Boston.*

During July these eight companies were rapidly recruited in the interior of the colony among the Scotch-Irish frontiersmen and hunters. No money had to be appropriated to buy their weapons, for, like the Boer of South Africa, each one of them procured his rifle by taking it down from the pegs on which it rested above his fireplace. He slung his own powder-horn across his shoulder and strapped his bullet-pouch around his waist.

As for his uniform, it consisted of a round hat, which could be bought for a trifle at any country store, and a garment made at home by his wife, and sometimes called a smock-frock, which was nothing more than a shirt belted around the waist and hanging down over the hips instead of being tucked into the trousers. It was the same sort of garment used by farm laborers, and it was made of the cotton cloth which is now used for overalls, or of ticking such as we use to cover mattresses and pillows. When used in the woods it was called a rifle-shirt or hunting-shirt,

* The rifle is supposed to have been introduced in the colonies previously to the year 1730 from the Austrian Tyrol. We find it manufactured at Philadelphia and Lancaster, Pennsylvania, about that time. Its use spread rapidly in Western Pennsylvania, Maryland, and Virginia, which we may call the rifle districts at the time of the Revolution, the only regions where riflemen could be recruited. The weapon was but little known or used in New England.—Magazine of American History, vol. xxiv. p. 179.

was sometimes ornamented with a fringed cape, and into its ample looseness above the belt were stuffed loaves of bread, salt pork, dried venison, a frying-pan, or a coffee-pot, until the hardy woodsman became most unsoldier-like in figure.

It may be said that our pictures of handsome Revolutionary uniforms are very misleading. It is pleasant, of course, to think of the Revolution as a great spontaneous uprising of all the people, without doubt, hesitation, or misgiving, and that each hero put on his beautiful buff and blue uniform, brought to him presumably by a fairy, or found growing on a tree, and marched, with a few picturesque hardships, to glorious victory. But the actual conditions were very different from what most of us have been led to believe. Some companies and regiments tried at the start to have uniforms. We find uniforms mentioned here and there, and boards of officers adopted fashion-plates of beautiful garments for all ranks; but there is many a slip between a fashion-plate and getting the beautiful garment on a rebel's back. Those who actually saw the patriot troops in the field describe them as without uniforms, very ragged, and at best clothed in home-made hunting-shirts. Many regiments stained their hunting-shirts with butternut, which was used for a similar purpose by the Confederates of the Civil War. The hunting-shirts were usually white, and butternut gave at once the color that the white cotton cloth would assume after a few weeks of dirt and smoke in camp.

Washington, in an order of July 24, 1776, recommended the hunting-shirt for all the troops.

"The General, sensible of the difficulty and expense of providing clothes of almost any kind for the troops, feels an unwillingness to recommend, much more to order, any kind of uniform; but as it is absolutely necessary that the men should have clothes, and appear decent and tight, he earnestly encourages the use of hunting-shirts, with long

breeches made of the same cloth, gaiter-fashion about the legs, to all those yet unprovided."—"Force," 5th series, vol. i. pp. 676, 677.

Lafayette has described in his memoirs the patriot army he found in this country on his arrival in the summer of 1777:

"About eleven thousand men ill-armed, and still worse clothed, presented a strange spectacle. Their clothes were parti-colored and many of them were almost naked. The best clad wore hunting shirts, large gray linen [cotton] coats which were much used in Carolina. As to their military tactics, it will be sufficient to say that, for a regiment ranged in battle order to move forward on the right of its line it was necessary for the left to make a continued counter-march. They were always arranged in two lines, the smallest men in the first line." —Vol i. p. 19, London, 1837.

At first the officers could not be distinguished from the men; but on May 3, 1776, they were ordered to wear colored cockades of ribbon. A major-general was marked by a purple or blue ribbon; a brigadier by pink or light red; the staff and the adjutant by green.* When the French officers appeared among us after the alliance, our officers were often unable to entertain them from lack of decent clothes and food.

Many of us have, of course, seen scores of portraits of Revolutionary officers in very good uniforms, which do away with all appearance of rebellion. Those were uniforms for a picture, in order that our officers and men might appear as smart-looking as European troops; but they were not the garments worn by our ancestors in the war. Good uniforms could always be painted in a picture. Who would have an ancestor painted in a butternut rifle-shirt and labelled rebel, when an artist could paint a portrait and paint on it a uniform from the fashion-plate of the Board of War,—such a uniform as our ancestors

* Saffell, "Records of the Revolution," p. 825.

would have worn had they had the time and money to obtain one.

The patriot army consisted for the most part of mere squads of militia, over whom Washington, and even their own chosen officers, had little or no authority except that of enthusiasm and persuasion. The army often melted away before their eyes without any power on their part to stop the disbanding. In 1777 the Continental line was formed of men who enlisted for three years or for the war, and they constituted a small but somewhat steady nucleus, round which the militia squads could rally. The militia served for six or three months, or a few weeks. It was a "come-and-go" army; and Graydon tells us that the officers as well as the men felt that they could leave with impunity when they were dissatisfied.*

The rifle companies were rapidly recruited in Pennsylvania and Virginia during July, and as each company got ready it started for Boston, and for several weeks these hardy fellows were scattered along the beautiful route through the mountainous region of Pennsylvania and New York, crossing the Hudson above West Point, thence through another mountainous region by Litchfield, Connecticut, and on through Massachusetts. Their first destination was Reading, in Pennsylvania, where they received their blankets, knapsacks, and ammunition. These supplies were all they required from the patriot government, and when these were furnished they immediately sought the enemy.

Their expectations from the long range of their weapons were partially realized. The rifle companies did good service, their numbers were increased, and we hear of them in almost every battle. Besides those already mentioned, there was a corps of them under McCall, another under Wills, and there were numerous temporary organizations. The

* Graydon, "Memoirs," edition of 1846, pp. 181, 184.

British also had a few riflemen, but the rifle was not generally adopted by the military profession until about one hundred years afterwards, when the breech-loader came into use. As a muzzle-loader it was too slow in reloading, and required more care and skill than could be had from the ordinary recruit. To insure accurate and long range the bullet had to be carefully wrapped in a leather patch and forced with difficulty into the muzzle, often aided by a little mallet. The weapon was also easily fouled by repeated firing, and would then lose its range and accuracy, and become almost useless.

At Boston the riflemen seem to have done little or nothing except to pick off an occasional regular who incautiously showed himself above the line of fortifications round Bunker Hill. For the rest of the time they were inactive with the others. One day they picked off an officer in his handsome uniform, and the report quickly spread that this man's income had been £10,000 a year. On another occasion William Simpson, who had accompanied the riflemen as a gentleman volunteer, was shot in the foot and died of his wound. They had a grand funeral over him, and eulogized and mourned for him as though he had been a statesman. Incidents were few in that long summer and autumn, and they had to make the most of anything that happened.

It must have been a rare sight to see that patriot army living in huts made of field stones and turf, or twisted green boughs, some in improvised tents made of sail-cloth or any stuff they could stretch over poles; some quartered in friendly houses, some sleeping in Massachusetts Hall of Harvard College; and all the supposed sixteen thousand scattered in this manner through Cambridge and half round Boston, with the patient Washington and the humorous Greene trying to coax them to submit to disci-

pline. General Greene was a Quaker from Rhode Island; there were many jokes at his expense, and Washington made a point of referring to him all suggestions of peace.*

There was cannonading almost every day from the British. Thousands of balls and shells were fired during the summer with the most trifling result. The ground was ploughed up, the apples came rattling down in the orchards as the big missiles thumped the trees and the shells spluttered among the limbs. Occasionally a ball would pass through a house, filling every room and the plates and dishes with a cloud of plaster-dust.

McCurtin tells us of a loyalist who, being, one evening, the only man in company with a number of young patriot women, began to abuse the Congress. The girls seized him, tore off his coat and shirt, and, instead of tar, covered him to the waist with molasses, and for feathers took the downy tops of flags that grew in the garden.

Patriots deserted to the British, and regulars deserted from the army in Boston and came into the Cambridge camp in twos or threes. Sometimes they had to swim the water which surrounded Boston, and were not infrequently drowned in the attempt. McCurtin kept a steady record of their arrivals, and they were heartily welcomed to the patriot ranks, which were believed to be growing to such stupendous numbers that they would soon be able to overwhelm all the armies that could be sent from England.†

* Greene, "Life of General Greene;" McCurtin, Journal in Papers Relating to the Maryland Line; Seventy-six Society, 1857; Records of the Pennsylvania Riflemen, second series, Pennsylvania Archives, vol. x.

† Some of the patriot pamphleteers, for the sake of encouraging their party, made most extraordinary statements of the number of troops that could be raised. In "The Farmer refuted" (Hamilton, Works, Lodge edition, vol. i. p. 158) it is said that America would have at least 500,000 soldiers, while England could send only 15,000. An-

There seems to have been a systematic exaggeration of numbers at this time, as well as later on, in the Revolution. It could not be very well prevented, because the officers were quite willing to have it so. There was much coming and going, and consequently an apparent increase, because some of the men were returning to their farms, and others were coming in to take their places.

The best instance of the exaggeration is a passage in McCurtin's "Journal," of September 20: "This day also our army is computed to be above 60,000, and that we have taken and killed of the regulars 2500." This was a very gross exaggeration. The army was never above 16,000, and as soon as autumn came it quickly decreased to less than 10,000.

It was an army in which, in most instances, you could not distinguish the captain or the colonel from his men; an army in which there were applications every day for leave to go home to help get in the hay, or to see how the wife was getting on; and, if leave were granted, the fellow always took his allotment of powder with him to shoot squirrels, and he seldom brought any of the powder back. Shaving was more universal than now, and the greatest fuss was made over it. It was believed that it could be made a good starting-point for regular discipline, and a colonel was sometimes seen shaving one of his own men.

The New Englanders of that time, and more especially the lower classes, were full of what the colonists farther south called "the levelling spirit." Their horrible manners

other writer places the number at 300,000 to 400,000.—"Considerations on the Measures carrying on with Respect to the British Colonies," etc., fifth edition, p. 25, London, 1774. The famous loyalist pamphlet, "Plain Truth," says that, after deducting Quakers, Anabaptists, and loyalists, the patriots might have 60,000 to 70,000 capable of bearing arms. As it turned out, the British government sent Howe over 50,000 men, and Washington never had 25,000.

are described by Mrs. Knight in her diary of 1704, and at a much later date in Mrs. Grant's "Memoirs of an American Lady." The rank, crude, and unpleasant side of democracy seems to have had its first foothold in New England.

Mrs. Grant describes the disgust of the New Yorkers when they were first invaded by the Yankees, whose insolent and brutal abuse of rank and titles was as revolting as their nasal, drawling voices and their uncouth phrases and slang. They would fasten themselves upon you, pressing you with their drawling questions about your most private affairs, railing in the mean time against aristocrats and orating on liberty and the "eternal rights of man."

They were the beginning of a class which, becoming inflated by the success of independence, spread over the country to the horror of all well-educated people and in fulfilment of loyalist prophecies. They gave Grant the material for his famous speech in Parliament, and many years afterwards they furnished the stock material for Dickens and other Englishmen who found profit in ridiculing the Americans.

In the army before Boston "levelling" was so necessary that the officers, instead of cultivating the usual severity and dignity of manner, were obliged to cultivate the most extreme and absurd humility. It was their only way of controlling their men, who were almost out of their minds on the subject of equality. Graydon gives us some amusing glimpses of this. He was not with the army before Boston, but he saw the New England troops the next year at New York.

"The appearance of things was not much calculated to excite sanguine expectations in the mind of a sober observer. Great numbers of people were indeed to be seen, and those who are not accustomed to the sight of bodies under arms are always prone to exaggerate them.

But the propensity to swell the mass has not an equal tendency to convert it into soldiery; and the irregularity, want of discipline, bad arms, and defective equipment in all respects, of this multitudinous assemblage, gave no favorable impression of its prowess. The materials of which the eastern battalions were composed were apparently the same as those of which I had seen so unpromising a specimen at Lake George. I speak particularly of the officers who were in no single respect distinguishable from the men, other than in the colored cockades, which for this very purpose had been prescribed in general orders; a different color being assigned to the officers of each grade. So far from aiming at a deportment which might raise them above their privates and thence prompt them to due respect and obedience to their commands, the object was, by humility to preserve the existing blessing of equality, an illustrious instance of which was given by Colonel Putman, the chief engineer of the army, and no less a personage than the nephew of the major-general of that name. 'What!' says a person meeting him one day with a piece of meat in his hand, 'carrying home your rations yourself, colonel?' 'Yes,' says he, 'and I do it to set the officers a good example.' "—"Memoirs," edition of 1846, p. 147. See, also, Stedman, "American War," edition of 1794, p. 206, London.

A colonel often made drummers and fifers of his sons for the sake of the small additional revenue to his family chest; and a captain was known to have made money by stealing blankets. Small money-making, pettiness, and pilfering of every kind were so rife as to cause Washington and many others the greatest discouragement and anxiety. The first outburst of the rights of man was by no means promising or in good taste. Many of the New England regiments had negroes mixed promiscuously among the white troops, which, to a person like Graydon, coming from no farther south than Pennsylvania, had a very disagreeable and degrading effect.

He also noticed that none of the subordinate officers belonged to the upper classes of colonial society. Accustomed to a totally different state of things farther south, he inquired the cause, and was curtly told that the sons of

such people had all been sent to Europe to be educated and to keep out of harm's way. Probably the real reason was that such men could not have controlled the troops gone mad with levelling.

Graydon also tells us of the famous Connecticut cavalry troop, composed of rather elderly men who had armed themselves with the long, single-barrelled duck-guns that were used in those days. The barrel alone of one of those guns was seven feet long. When the tallest man stood leaning on one it extended two feet above his head. Those cavalry duckers were worth going a long way to see. The loyalists always made much sport of the Northern patriot cavalry and their old farm- and cart-horses of every color, "some with long tails, some with bob-tails, and some with no tails at all." But if a Connecticut ducker could get a rest for his old piece across the back of the horse, and a redcoat would stand still for a while at about forty yards, he would surely make great windows in his stomach, as they did at Bunker Hill.

It is always very easy, however, to ridicule the appearance of a rebel army. No army of freedom or independence was ever well dressed. There was plenty of good fighting material at Cambridge. Daniel Morgan, the commander of the Virginia riflemen, was one of those frontier characters of superb manhood and intelligence, of which we have, fortunately, had many specimens down into our own time; but with another generation they will have all passed away. He was not appreciated by the Congress, but at the close of the war he showed remarkable military capacity. He was a powerful-looking man, and capable of arousing the enthusiasm of his men.

General Putnam, or "Old Put," as they called him, the hero of the French War, was the life of the camps. In his shirt-sleeves, which was his usual summer garb, with

an old hanger slung by a broad strap across his brawny shoulders, he was to be seen everywhere, and he was clamorous to have a fight every day. People listened by the hour to the tales of his cutting-out expeditions and adventures. The troops who believed in levelling could have no objection to him as an officer, for he was a plain jovial farmer. When the Boston Port Bill went into effect he started from his farm in Connecticut with one hundred and thirty sheep, driving them before him to Boston to relieve the suffering of the people. *

There is no mention of any colors or flags carried by the farmer troops at Cambridge, and possibly they had none. A flag for the patriot cause had been designed about this time, and was used soon afterwards. It had on it a pine-tree and a coiled rattlesnake about to strike, with the motto, "Don't tread on me." It was a good enough pirate's or smuggler's flag, the loyalists said; a very proper red rag of rebellion, undignified, crude, with the snake as the emblem of low cunning, ingratitude, and treachery. Paul Jones was so disgusted with it that he was hardly willing to hoist it on his ship. The stars and stripes were not designed until nearly two years afterwards.†

* Tarbox, "Life of Putnam," p. 118.

† Frothingham, "Siege of Boston," p. 103; Buell, "Life of Paul Jones," vol. vii. p. 49.

XVII

THE ATTACK UPON CANADA

THE attempt to take Canada was the most aggressive and daring effort that the patriots made during the war. It might have been successful, but the success could not have been long continued, because we had not sufficient force to hold such a large tract of country, unless a large part of its population would join our cause.

It was an invasion of British territory, an invasion of a colony that had not rebelled or voluntarily joined us; and in that respect it might appear inconsistent with our position of merely defending our own liberties, and might by some be thought to justify England in acts of the severest retaliation and suppression. But as we were at war with England our people thought that the more vigorous war we waged the better. Canada was a vulnerable point, and might perhaps want to join us.

The attempt was made in the first flush of enthusiasm for the rights of man, when it was fondly believed by many that they could put in the field fifty thousand or even several hundred thousand men. A year or two later, when great difficulty was experienced in keeping together an army of 10,000, they realized how utterly out of the question it was to take Canada, or hold it if they should take it, and no more attempts on it were made.

The strategic importance of Canada was obvious, because the line of water communication, up the Hudson and through Lake Champlain to the St. Lawrence, if controlled by Great Britain, would enable her to cut the colonies in half, isolate the New England colonies, and separate them from the less rebellious communities to the south. This

line of water communication was one of the great natural highways of that time, and might come into the complete control of England if she continued to hold the upper end of it in Canada.

During the inactivity of the summer of 1775 two bold expeditions were planned, which, by their united efforts, would, it was believed, drive out the small force of British in Canada, secure the adhesion of the French population to the new colonial union, atone for the mistake of not securing that adhesion sooner, and punish England for passing the Quebec Act establishing Romanism and despotic government in such close proximity to New England.

The first expedition was put under the command of General Philip Schuyler and General Richard Montgomery; but by the ill-health of Schuyler the whole command soon fell to Montgomery, who had been a British soldier and had served with distinction in America during the French War. He was an Irishman by birth and education, and his father had represented Lifford in the British Parliament. In the French War General Montgomery, like Howe and Barré, had been a close associate of Wolfe and had partaken of his liberalism in politics. In fact, Montgomery went so far in liberalism that he left the army in 1773 and settled in New York, where he bought a farm near King's Bridge, and married Janet Livingston. He is described as a very efficient soldier and a man of most attractive personality and bearing. In reading about him one cannot help being reminded of George Howe, and the thought naturally occurs that a slight change in circumstances or slightly increased conviction might have led all of these men, Barré, Burke, Admiral Howe, and General Howe, to follow Montgomery's example and remove themselves to America.

In his expedition against Canada, Montgomery at first met with the most encouraging success. He proceeded

by the route of Lake Champlain, fighting his way to the St. Lawrence; and so long as he was successful some of the Canadians were willing to join him. The British governor and commander, Guy Carleton, abandoned Montreal and retreated down the river to save Quebec. Montgomery entered Montreal and prepared to unite in an attack on Quebec with Benedict Arnold's expedition, which had moved directly against Quebec through the Maine wilderness.

Arnold had visited Quebec and traded there in horses and merchandise, and was supposed to be familiar with its people and fortifications. His dash through the wilderness was desperate, romantic, and very American in its character. He was to lead his men through more than a hundred miles of unknown forests, swamps, mountains, lakes, and rivers, impenetrable by the military methods of Europe, and to emerge suddenly from these fastnesses into the heart of the enemy's country, and by surprise and strategy attack his great citadel. He was to proceed from the coast of Maine up the Kennebec as far as its waters would carry him and then cross the water-shed as best he could to the Chaudière, which would bear him to the St. Lawrence.

He took with him about 1100 men, most of them ordinary New England musketmen from the army at Cambridge; but to complete his force he was given three companies of the riflemen, selected by lot. The companies on which the lot fell were Daniel Morgan's Virginians and Matthew Smith's and Hendrick's Pennsylvanians. A great many of Arnold's men kept journals of their experiences, and several of them, notably those by Henry and Morrison, are most graphic and vivid in their descriptions.*

Towards the end of September Arnold's troops marched

* A list of these journals is annexed to "Wild's Diary," Cambridge, 1886, and also to Mr. Codman's admirable book, "Arnold's Expedition to Quebec."

from Cambridge to Newburyport, where sloops and schooners took them across the Gulf of Maine to the Kennebec, and very sea-sick they were before they entered the river. At Fort Western, where Augusta now stands, their boats were ready for them, rough bateaux, built of common boards, two hundred and twenty of them, very badly constructed and leaky.

They started up the stream, rowing and poling, in four divisions, a considerable distance apart, with the indefatigable Daniel Morgan and his Virginians at the head. But soon they could neither pole nor row in the rocky stream. The men jumped overboard and dragged the boats, wading in the cold water all day, often sinking to their necks or over their heads in the deep pools, upsetting the leaky boats, losing provisions and often guns. They reached carrying places where they had to transport the heavy bateaux and cargoes round falls and rapids. The black soil was soaked with rain, and they sank knee-deep, stumbling over stones and roots and fallen logs. With the heavy bateau grinding into their shoulders, or almost dragging their arms from their sockets, as they carried it on handspikes, a misstep of one man in the mud would bring the whole party, bateau and all, to the ground. They would rise, covered with black mud, cursing and laughing, and laugh still louder to see the next boat crew in a similar plight.

The glory and enthusiasm of the rights of man was heard on every side. They were no coerced soldiery, they said, and the officers were given to understand that they must know their place and keep it. The men had taken charge of the expedition and tolerated the officers as assistants. They bluntly let it be understood that for any officer to attempt compulsion would be fatal, for the men were going through to Quebec of themselves.

Soon they were amazed at the sights they saw. The swamps, thickets, and hill-sides were covered with a vast network of the fallen trees of centuries, through which a man could climb and crawl at scarcely a mile an hour. Their most violent efforts with the bateaux could move them at only about six miles a day. The character of the country through which they passed has been greatly changed by lumbering operations and fires. The woods are less encumbered and dense; there is less water, and the Chaudière has become a less important stream.

They saw in the black mud the great hoof-marks of the moose. Almost every day they would rouse some of the strange, ungainly creatures from their lairs to see them disappear with a crash into thickets that seemed impenetrable to a squirrel. There seem to have been few if any deer; and the riflemen killed scarcely any game. They were apparently working so hard with the boats that their weapons were seldom ready; and the necessity of pressing forward prevented any delay for hunting. It would have required a great deal of hunting and consequent delay to kill enough moose to feed a thousand men.

Aaron Burr, the son of the President of Princeton College, a mere lad, and an adventurous one, accompanied the expedition in the capacity of what was called a gentleman volunteer, uncommissioned and unenlisted. He found a pretty Indian maiden, Jacataqua, of a romantic disposition, whom, with her dog, he persuaded to accompany him and help hunt. He took her all the way to Canada, where it is supposed the nuns near Quebec befriended her and her child that was born there.

They reached Dead River, which was to connect them with the head-waters of the Chaudière. It was deep, black, and still; but they had so few paddles or oars that they could take but little advantage of the lack of current,

and it was too deep for their setting poles. Famine had set in; provisions, guns, ammunition, and the money for wages had been lost from the leaky, overturning boats. Colonel Enos and three companies of musketmen in the rear, appalled at the difficulties, had abandoned the expedition and returned to Massachusetts. It was the end of October, cold and snowing. Torrents of rain had swollen the streams, overflowed the shores, and made nearly the whole country a black morass.

To send the sick back with a guard and press on was the order agreed upon. Arnold and a small party started ahead to reach the Canadian settlements and send back provisions. The romance was fading, and even the rights of man and equality seemed less glorious.

They had reached the Chaudière and decided to abandon their boats with the exception of one or two to carry some of the crippled and sick who would not give up. It was down hill to the St. Lawrence on the rushing Chaudière. But the river was too swift. The boats narrowly escaped being dashed over falls, and all took to the land along the shore.

The situation had become alarming. Jesting and good nature had ceased. When a rifleman fell headlong in the mud no gay voice sang out, "Come here and I'll pick you up." Some of them killed and ate a pet dog,—flesh, skin, and entrails, and then boiled the bones. They dug roots out of the half-frozen mud with bleeding hands. They boiled and ate their extra moose-skin moccasins. Some six hundred men, strung out in a long line by the Chaudière, a line that reeled, stumbled, and fell, and bent up and down over the high wooded hills; were these the conquerors of Quebec?

Dazed, delirious, half blinded by famine and exhaustion, they would look back as they ascended a hill to see

others falling over one another and rolling down the opposite slope. On the top of the hill they would halt as if calculating whether their strength would take them down; and then they would start, falling over logs and stones and sending their guns flying into the muddy snow. Then up the next slope they would wearily go, pulling themselves by any twig and bush that seemed to offer assistance.

"Every man for himself," was the word now passed along the line; and there were loud protests against it. But stern necessity compelled it. The strong were convinced of it, and they stopped their ears as they left a companion who had taken his last fall over a log and could rise no more.

On November 2 Morrison emptied the bullets out of his leather pouch and boiled it; and soon all of his comrades were boiling bullet-pouches. Then the leather breeches were cut up. A mere twig across the way would now bring the strongest man to the ground. And still it was on and on, while from every hill they could see a thousand more monotonous wooded hill-tops stretching away forever and ever like a bad dream, with the rushing Chaudière always winding in and out among them, as if it too could never escape.

The men at the head of the line saw cattle driven towards them, and men leading horses with great sacks laid across their backs, and they sat down and stared at one another as if this was part of the bad dream. But it was true; Arnold had returned from the Canadian settlements with provisions; and soon great fires were built and the beef and potatoes were cooking, and the men with the horses were going back along the line to restore the dying. Arnold himself arrived, strong, enthusiastic, and jovial. The French Canadians were on their side, he said, and would give provisions; and Montgomery had already

beaten the British in Canada and taken many prisoners.

So, after those who would not listen to reason had killed themselves with overeating, all that was left of the expedition marched down among the French Canadians; and truly those simple-minded people looked with blank amazement at the pale ghosts and spectres with muskets in their shadowy hands, coming out of the impenetrable winter forest to drive the English from the continent.

They reached the shore of the St. Lawrence at Point Levi. The British had removed all the small boats, and the Americans saw the strongly fortified Quebec, twelve hundred yards away across the water, guarded by armed merchantmen and two men-of-war. They caught a little midshipman, fifteen years old, who, imprudently venturing ashore, was deserted by his boat's crew; and his good-natured and plucky refusal to give information amused the grim hunters.

They had set out with 1100 men. Three hundred had gone back with Colonel Enos. The sick that returned and their guards had been 200. The wolves were gnawing the bones of eighty or ninety in the woods. Those who stood looking at Quebec half armed and in rags were about 510.

The expedition had already failed. The dash through the Maine wilderness had produced nothing but a tale of disaster and some interesting diaries and reminiscences. The 1100 men would have been more efficiently used if they had been sent with Montgomery by way of Lake Champlain. They were now too late to take Quebec by surprise, as possibly they might have done earlier. Letters sent forward by Arnold, as he supposed to friends, and by trusty messengers, had fallen into the hands of Guy Carleton, the commander of Canada, a capable and energetic officer, who was prepared to defend Quebec to the last.

But Arnold and his men were as hopeful as ever. They collected canoes and dugouts from great distances, and on the night of November 13, by the skilful still paddling of the hunters, they dodged the merchant vessels and men-of-war and landed before Quebec on the Plains of Abraham. Arnold soon after sent to the town a summons of surrender, but his flags were fired upon and the summons never received. Many of his men believed that they could now take the town by assault. But conservative counsels prevailed; and they waited to be joined by Montgomery.

Meantime, General Carleton, hearing of the danger that threatened Quebec, abandoned to Montgomery unfortified Montreal, which it was useless to attempt to hold, and escaped by daring and good luck down the St. Lawrence. He entered Quebec by water and his forces were soon raised to some 1800 men. He felt confident of holding Quebec and making it a base from which to save Canada.

Sir Guy Carleton, afterwards Lord Dorchester, was an accomplished and rather interesting man. He is said to have suggested the Quebec Act; and probably learned from subsequent experience that it was a mistake. He is described as firm, humane, and of the most unvarying courtesy under all circumstances. He was troubled with no Whig principles or doctrines of the rights of man, although he had been Wolfe's quartermaster-general. He believed in subduing the colonies by the most overwhelming severity and force; but that all rebel prisoners, after a short confinement, should be allowed to return to their homes on parole, to be afterwards, if advisable, exchanged.

Montgomery soon joined Arnold, and they began a mild siege of Quebec. They built breastworks of snow and poured water on them to freeze them solid, for scarcely

any earth could be scraped from the frozen soil. Such protections were easily shattered by the enemy's cannon; and the American artillery was of such small caliber and so ineffective that the women came out on the ramparts of Quebec to ridicule it. But the riflemen were very effective. Creeping close to the walls and sheltering themselves behind houses, or any object that presented itself, they dealt destruction with their tiny bullets to any incautious soldier in the town.

The addition of Montgomery's troops raised the American force to about 1200 men, hardly enough to take such a stronghold as Quebec. To take it by siege seemed impossible. An assault must be tried, and they grimly waited for their opportunity, while the winter snows fell deeper and deeper. The signal finally agreed upon was to come from nature,—a snow-storm at midnight.

The evening of December 31, 1775, was an intensely cold one; the men were scattered among the farms and tippling-houses enjoying themselves and keeping warm. But as they started to return to their huts the snow-storm began. Soon it was a stinging blast carried horizontally along the ground and cutting the face. By two o'clock in the morning they were hurrying through it, every man holding the lapel of his coat wrapped over the flint-lock of his gun, stumbling and falling in the snow-drifts. Montgomery, with his aide, McPherson, of Philadelphia, and also, it is said, accompanied by Aaron Burr,* led the attack on one side of the town, and Arnold on the other.

Arnold's command was a long column, almost in single file, with Daniel Morgan and his Virginians in front and the Pennsylvanians closely following. Presently were heard the sharp reports of their rifles at the first barrier.

* Codman, "Arnold's Expedition to Quebec," p. 232; with which compare Magazine of American History, vol. xi. p. 294, note.

The riflemen sent their little bullets through the port-holes with such unerring aim that the gunners were killed or driven from their posts. Morgan was the first to spring upon the barrier and throw himself down among the enemy. The rest of the column followed and swept the English before them. Those who were not riflemen quickly seized the excellent English muskets from the dead and wounded in place of their own inferior weapons. Arnold was wounded in the leg before the barrier was taken and had to be supported back to the American camp.

The taking of the first barrier let them into the lower town, and they rushed through it up a street to another barrier, from which the cannon and the muskets of the Englishmen were spitting flame through the dim light of the driving snow. The riflemen again tried their device of shooting carefully into the port-holes, but it failed. The cannoneers and musketmen were too well settled at their work. Pennsylvanians and Virginians were falling on every side. It was strange that they were not all killed, for the British had them hemmed within the narrow street. As the wounded rolled over into the deep snow they quickly died of the intense cold which stiffened their limbs into the last frantic or fantastic attitude of their death agony.

There was confused fighting in the streets and houses for a long time. Some of the Americans rushed up close against the barrier; they crowded under it in a mass; the cannon could not be sufficiently depressed to reach them, and they could inflict instant death on a musketman who showed himself at a port-hole. In the lull they called out to the English to come out and fight in the open.

"Come out and buy our rifles," they shouted; "they are for sale cheap."

The tall, powerful figures of Morgan and Hendricks

were conspicuous in every part of the fight encouraging the men. The stentorian voice of Morgan could be heard above all the din. He fought like an ancient knight, a Cœur de Lion, killing Englishmen with his own hands, and in one of the intervals disguising himself and penetrating far into the town to learn its condition.

The rear of Arnold's column arrived with scaling-ladders, which they threw against the barrier. But the neighboring houses were filled with English, and volleys of musketry were poured upon the assailants. They could not longer crouch under the barrier or man the ladders.

The barrier could not be carried, and the Americans were ordered into the houses. They battered down the doors with butts of guns and rushed up to the windows in the full belief that they could shoot all the gunners in the barrier. Pennsylvanians and Virginians were aiming their rifles through every opening. It was at one of these windows that the gallant Hendricks was shot. He staggered back into the room and fell across a bed in the corner.

There was now a short time when the Americans, thoroughly convinced of the hopelessness of their task, might have drawn out and escaped. Some of them did so, especially the few Indians and Canadians who had joined them. These hurried down to St. Charles Bay and started across the two miles of ice heaped up by the tide and full of air-holes deceptively covered by the snow. The rest were presently caught in the streets and houses as in a trap. General Carleton sent Captain Laws on a sortie out of the Palace gate, and he came in behind the Americans in the street.

On the other side of the town Montgomery broke through the palisades by the aid of his carpenters, and, rushing in, shouted to his men, "Push on, brave boys; Quebec is ours."

He was met by the discharge of a cannon from a barrier which stretched him and his aide, McPherson, lifeless on the snow. It was subsequently learned that the British were so demoralized by the onset that they were retreating from the barrier, which could easily have been carried and the town entered. But Colonel Campbell, who succeeded Montgomery in command, ordered a retreat.

The attack on Quebec, whatever may have been its possibilities, had failed. It is supposed that about six hundred, or half the American force, were killed, wounded, or prisoners. It was a sad fate for so many of Arnold's column to have to surrender after such a gallant struggle, and be ridiculed for the piece of paper pinned on their hats on which was written "Liberty or Death." Morgan, weeping with vexation, at first refused to surrender, and, placing his back against a wall, with his drawn sword in his hand, defied the enemy to take it from him; but he finally consented to hand it to a priest whom he saw in the crowd.

The officers were confined in what was called the seminary, and the privates given a less comfortable jail. The English, as often happened afterwards, were much amused at finding the officers to be men of no social position. "You can have no conception," wrote Major Caldwell, "what kind of men composed their officers. Of those we took one major was a blacksmith, another a hatter; of their captains, there was a butcher, a tanner, a shoemaker, a tavern-keeper, etc.; yet they pretended to be gentlemen." *

Henry, who was among the prisoners, relates the extraordinary appearance of the dead whom he saw hauled through the streets in carts. They were frozen as stiff as marble statues in every imaginable attitude of agony or horror. They were tossed into the carts like rigid boards,

* Codman, "Arnold's Expedition to Quebec," p. 265.

with outstretched arms, pointing fingers, and contorted legs and necks.

Among the privates who were prisoners, those who admitted that they had been born in England, Scotland, or Ireland were told that they had their choice of enlisting in the British army or going to England to be tried for treason. Under the advice of their comrades, and in the belief that the oath of allegiance under those circumstances would not be binding on any conscience, about ninety-five of these men enlisted, and took their chances of an opportunity to desert.

Two of them, Conners and Cavanaugh, soon made an opportunity for themselves. They walked up to a sentinel guarding the edge of the high precipice that surrounded part of Quebec, and offered the man a bottle of rum. While the sentinel hesitated they wrenched his gun from him, knocked him down with the butt of it, and then ran to the precipice and leaped over. It was a daring leap, but in some respects a safe one, for the snow was drifted twenty feet deep at the bottom. They nearly suffocated in the drift, but managed to scramble out while the British were shooting at them from above. Cannon-balls and grape-shot were fired at them as they ran over the snowy roads; but they escaped out into the country where the remains of Montgomery's and Arnold's commands still maintained an unconquered and sullen siege of Quebec.

The privates that remained in the jail planned a most ingenious method of escape, which failed by a mere accident. Most of them were heavily ironed and looked forward to a hard fate, from which, however, they were unexpectedly released the following summer. Carleton, with the greatest kindness, set them all free on parole, and a year or so afterwards they were regularly exchanged. This treatment was in striking contrast to the cruelty and suffer-

ing usually inflicted on the patriots in English prisons. It released Morgan and saved his health to win the battle of the Cowpens. The prisoners were taken in a ship to New York Bay, in the summer of 1776, and turned loose on the Jersey shore at midnight. Morgan threw himself flat on the ground and kissed it. They then all ran a race to Elizabeth, where they danced, sang, and gave the Indian war-whoop for the rest of the night.

Arnold clung to his position in the snow before Quebec all the rest of the winter, keeping up a feeble and ineffective blockade of the old town, which regularly received its most important supply, firewood, in spite of all he could do to prevent it. In April General Wooster moved up from the patriot position at Montreal, superseded Arnold for a time, and cannonaded Quebec. But General Burgoyne arrived from England with large reinforcements. The British marched out of the town and began slowly driving the Americans from Canada. They beat them badly at the battle of Three Rivers, half-way to Montreal, killing and taking prisoners, and scattering hundreds of them in the swamps and woods.

Carleton then issued a remarkable proclamation addressed to those dispersed Americans. They were perishing, he heard, from hunger and cold; "and, lest a consciousness of past offences should deter such miserable wretches from receiving that assistance which their distressed condition might require," he promised that, if they would surrender, they should be cared for in the hospitals, and, when restored, should be free to return to the rebel colonies.

This policy was much admired by some of the loyalists, who said that if it had been universally carried out by all British commanders it would quickly have ended the rebellion, because there would soon not have been a rebel

willing to fight an empire of such generous liberality. There was no officer in the British army, it was said, so dangerous to the cause of independence as Carleton.* But it is not reported that any patriots took advantage of his proclamation. Prisoners whom he released, of course, spoke highly of him. But the independence movement was beyond the reach of kindness and conciliation, as the ministry soon discovered.

Slowly but surely Carleton defeated and hammered out of Canada the little patriot army under Arnold. They made a good retreat, however, step by step, all that summer and autumn of 1776, down the Sorel River and down Lake Champlain, where they fought naval battles, until at last they stopped in old Fort Ticonderoga.

It has been supposed that Carleton could have pressed on to Albany or even to New York; but he was content with having saved Canada for his government. He accomplished more than any other officer in the British service, except Clinton. He held open the upper portion of the water communication down the Hudson Valley, and in the following year Burgoyne started down by it to meet Howe half-way from New York and cut the colonies in half.

In March, 1776, just before Arnold's retreat began, a committee, composed of Franklin, Samuel Chase, and Charles Carroll, of Maryland, went to Canada to help win

* Jones, "New York in the Revolution," vol. i. pp. 89, 90, 133, 181, 182; vol. ii. pp. 469, 470; Pennsylvania Magazine of History, vol. xx. p. 513. Carleton was never given the command he wanted in the rebellious colonies until, the Revolution being over, he was made commander-in-chief and put in charge of the evacuation of New York. That vigorous Tory, Lord George Germain, disliked him; and his unwillingness to allow opportunities of corrupt money-making to his subordinates may possibly have prevented his advancement.—Jones, *supra*, vol. i. pp. 336, 441.

it to the side of the revolted colonies. John Carroll, a Roman Catholic priest, accompanied them in the hope of influencing the French Canadian clergy. It was a terrible journey for them in the month of March, and nearly cost Franklin his life. They found only defeat and disaster and large debts contracted by Montgomery's army with the Canadians, which could not be paid. The Canadians were friendly to the extent of supplying the Revolutionary army with food and treating them with kindness. They wished us well; they would accept us if we were successful. Many of the English held a neutral position, waiting to see what we could do. But there was no strong spirit of independence or rebellion among either the French or the English.

The French hated Carleton, who held them down by martial law, and they hated the British regulars who kicked and cuffed them; but their temper and character were altogether of the submissive kind. They knew little or nothing of the rights of man, and were rather shocked by them. They could see no proof of their merit in the rough followers of Arnold and Montgomery, who brought with them a depreciated paper currency and the smallpox. Our troops sometimes forced supplies without paying for them, even in paper; and it is probable that many of them, especially the New England troops, found it difficult to conceal their contempt for the Canadian religion.

The French Canadian peasantry were possessed of very limited intelligence and knowledge. They knew little or nothing of the merits of the rebellion to the south of them except that it had originated in Boston, and they called all the troops Bostonians. They had no training in self-will, smuggling, or semi-independence, like their southern neighbors. They had not the heart to fight losing battles; and to fight such a power as England seemed to

them madness. They were altogether lacking in what Graydon called revolutionary nerves.*

Their priests were against us, and refused absolution to those who joined the Americans. Our wild boys finally found a priest who absolved rebels for a salary, and the promise of a bishopric if we conquered Canada; but he could not, it seems, work fast enough to add a new State to the American Union.

The attack upon Canada as an invasion of British territory was a bad failure; but it was superb in its daring and confidence, its possibilities as well as its impossibilities. If it had been more successful we might have won more quickly the alliance of France. Considered in all its circumstances, the persistent slowness with which, even after defeat, it was abandoned, and its picturesque romance, it was the ablest and most striking, the best, as it was the first, of all the patriot campaigns.

It was well, however, that it did not succeed, for the Canadians would not willingly have amalgamated with us, and the attempt to force them would have been contrary to our principles, and would have involved discord, cruelty, and suffering. They were, and still are, a naturally separated people, far removed from our way of thinking; and their best career, if they should succeed in separating from Great Britain, will be in developing an independent Canadian nation.

* "Quebec and the American Revolution," Bulletin of University of Wisconsin, vol. i. pp. 498, 508, 518; Pennsylvania Magazine of History, vol. xxii. pp. 21, 22, 23; Codman, "Arnold's Expedition to Quebec," pp. 8, 296.

XVIII

THE EVACUATION OF BOSTON AND THE DECLARATION OF INDEPENDENCE

In October, 1775, when Arnold's expedition was on its perilous march through the Maine woods, General Gage retired and Howe took supreme command. During that same autumn Lord George Germain became colonial secretary and the ministry's means of communication with the commander in America. The rebellion extended from Maine to Georgia, but England, with 10,000 troops cooped up in Boston and the possibility of the loss of Canada, was not making a very vigorous beginning in the way of suppression.

Such a rebellion could never be suppressed by merely holding Boston, which was of no strategic importance. It might be held for years while the rebels in the rest of the country created an independent nation and became self-sustaining. The only way to conquer the rebel country was to occupy such portions of it as would effectually break up the union of the patriots and prevent intercourse among them. This plan, reinforced by a blockade of the coast to prevent supplies entering by sea, followed by the destruction of any regularly organized armies the patriots might form, forcing them to mere guerilla warfare, which could be gradually suppressed, was the natural method of subjugating America.

The ministry seem to have had some such plan in mind. Their strategy, as it gradually unfolded itself, was first of all to occupy New York City, and make that the headquarters of British control. From New York City the

line of the Hudson valley all the way to Canada must be secured, which would immediately isolate New England, the hot-bed of sedition, from the other colonies, and cut off not merely the interchange of ideas, encouragement, and reinforcements of troops, but also the provisions and supplies which New England drew from the more fertile agricultural communities to the south.

In New England itself they finally decided to hold only one point, Newport, because it was the most convenient harbor south of Halifax for sailing vessels to enter and take shelter. They could easily beat into it, in almost any wind, while at New York, in addition to the difficulty of beating in against head-winds, the water on the bar was at that time very shallow and some of the men-of-war could not cross it.*

South of New York the strategic position was the line of Chesapeake Bay, with strong positions in Virginia and Maryland, as at Alexandria and Annapolis, with, perhaps, part of the Susquehanna River. This line, if well held, would isolate the middle from the southern colonies and stop communication. As for the South, the best method of controlling it was found to be by occupying Charleston, Georgetown, and two or three points on the Santee River in South Carolina.

It is easy to see that if this strategy had been vigorously carried out with a sufficient force, aided by a blockade of the coast, there was every probability that the patriot party would soon have been driven to mere guerillaism, and from that to a retreat beyond the Alleghanies, which Burke so eloquently described, and for which Washington was prepared.

* "A Short History of Last Session of Parliament," pp. 18, 19, London, 1780; Pennsylvania Magazine of History, vol. xxii. p. 151.

As the war developed, only part of the British plan could be carried out. Newport was held during most of the war, as was also New York, until after the treaty of peace. But for reasons with which General Howe was largely concerned, the vital line up the Hudson to Canada could not be secured. The position on Chesapeake Bay was not seriously attempted. It would have required a larger force than could be spared from more important places. General Charles Lee, when a prisoner, recommended it to Howe, and General Cornwallis was in favor of the Virginia part in preference to holding South Carolina. The South Carolina position was taken towards the end of the war and most securely held until broken up, and in effect abandoned, by the rather extraordinary conduct of Cornwallis.

Independently of these strategic positions and theories, the important thing, as in all wars, was to break up and destroy our armies by defeating them in battle, followed by relentless pursuit and by devastating and ruining the country from which our armies drew their supplies and moral support. This method, for reasons which will be explained, was not carried out by the ministry and General Howe during the first three years of the war; and after that, with France, Spain, and the whole continent of Europe aiding us, it was too late.

To defend themselves against the British methods of attack, the Americans pursued three lines of conduct. The first was to prevent the British from securing control of the line of the Hudson valley. This was the great contention and controlling motive of the first three years of the war. The patriots could not prevent the British occupying the city of New York, but by holding what were called the Highland passes and forts near West Point on the Hudson, and by preventing Burgoyne from coming

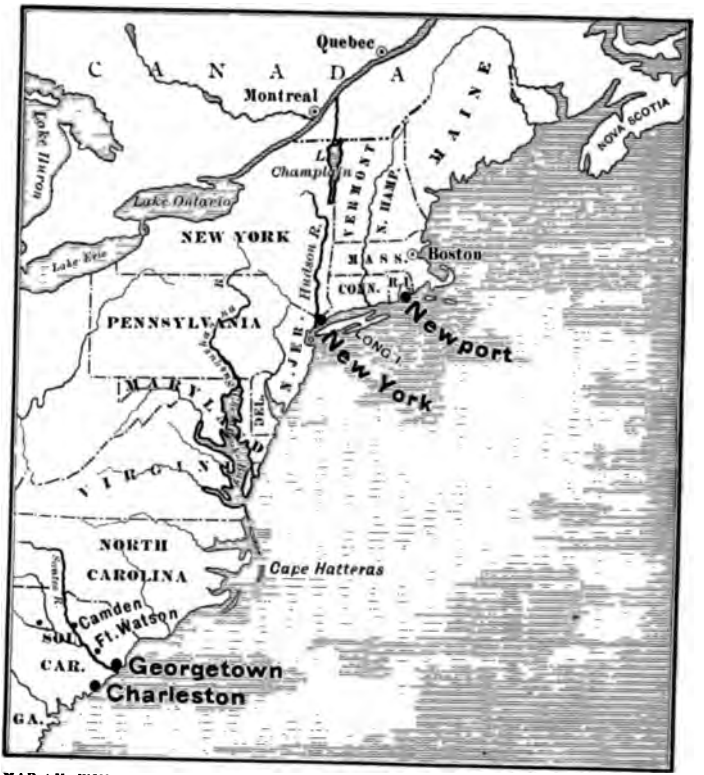
down from Canada, they completely balked the accomplishment of this most important British movement.

West Point and the Highland passes constituted the most important American strategic position. It was this position which Arnold intended to surrender to the British so as to end the war at one stroke, retain the colonies for the British empire, and save them from falling into the hands of France.

In the last years of the war, after the French alliance, and when the British held South Carolina and the city of New York, it seemed as though General Clinton, by conducting raids from those two positions, might be able to wear out the patriot party and suppress the rebellion without holding the line of the Hudson valley. This was the most serious period for the patriots,—the time when, even with the assistance of France, their cause was almost lost.

They had the choice either of trying to drive the British out of New York or of trying to drive them out of South Carolina. In no other way could they break the very exhaustive raids and wearing-out methods which the skill and energy of Clinton were inflicting upon them. They abandoned the attack upon New York as too difficult, and turned their attention to South Carolina, where at first they were disastrously defeated, but soon afterwards were most fortunately and unexpectedly aided by Cornwallis's strange notion of changing the British position from South Carolina to Virginia, a movement which brought about his surrender at Yorktown in 1781.

This brief review of the theory of the war will disclose the meaning of the military movements. The ministry wanted Howe to abandon Boston that autumn of 1775 and go at once to Long Island, where he could procure provisions in a fertile country, among a loyalist population, receive supplies from the sea as easily as at Boston, and be



MAP SHOWING THE STRATEGICAL POINTS WHICH MIGHT BE OCCUPIED BY THE BRITISH ARMY TO OBTAIN COMPLETE MILITARY CONTROL OF THE COLONIES,—VIZ., NEWPORT, NEW YORK, WITH THE LINE OF THE HUDSON VALLEY TO CANADA, CHESAPEAKE BAY, AND CHARLESTON, WITH OUTPOSTS IN SOUTH CAROLINA

ready to take New York when reinforcements should be sent to him.* But he refused to do this, because he did not think he had sufficient ships to carry him there, and he remained inactive in Boston all winter. He was in America to enforce the acts of Parliament against which he had voted, and it was asking a great deal to expect him to prove that his own convictions and those of his party were at fault, or to expect him to be very actively severe against a people with whose cause he sympathized. Moreover, the ministry had announced that their policy was to be a combination of the sword and the olive-branch; and Howe, by reason of his associations and experience in America, had been selected as well qualified to carry out this method of conciliation.

The force under Washington at Cambridge, which the first enthusiasm raised to 16,000, dwindled down as soon as winter came to less than 10,000. For weeks at a time the patriots had no powder except what was in their cartridge-boxes. It is difficult to believe that Howe did not know of this with all the intercourse through the lines, the numerous desertions, the loyalists, and his spies.†

His large reinforcements, it is true, had not yet arrived; and his army was something less than 10,000. But when we consider that he was the most experienced and most intelligent officer of Great Britain, and that his personal courage was beyond dispute, it is a little extraordinary that he made not the slightest attempt to take the aggressive. He was allowing himself to be shut in by an undisciplined force, sometimes equal to his own in numbers, sometimes fewer, always wretchedly equipped, and at times

* Stedman, "American War," edition of 1794, vol. i. p. 190.

† Carter, "Genuine Detail of the Blockade of Boston," pp. 8, 14–16, 22, 23. The British spy system was very thorough and efficient.—Ford, "Writings of Washington," vol. iii. pp. 319, 413.

without ammunition. He allowed his enemy's force to be disbanded under his eyes and sent to their homes while others came to take their places. Washington was amazed.

"Search the volumes of history through and I much question whether a case similar to ours is to be found,—namely, to maintain a post against the flower of the British troops for six months together, without ——, and then to have one army disbanded and another to be raised within the same distance of a reinforced enemy."—Ford, "Writings of Washington," vol. iii. p. 318.

In January Clinton left Boston with a small force, and, sailing southward to the Carolinas, was joined by a larger force from England under Sir Peter Parker, accompanied by General Cornwallis. On June 28 they made a fruitless attack on Charleston, which was heroically defended by the Carolina patriots under Moultrie.

In Boston that winter General Howe began a romantic attachment for a loyalist lady, Mrs. Loring, who accompanied his army through the three years of his campaigning, and was often spoken of by the officers as the sultana. She encouraged the general in his favorite amusement, for she was passionately devoted to cards and capable of losing three hundred guineas at a sitting. Her influence secured satisfactory arrangements for her husband, who was given the office of commissary of prisoners, which was an opportunity for making a fortune.*

Being thus provided with a congenial companion, abundant leisure for card-playing, and with the war going exactly as a good Whig would wish it to go, it is difficult

* Jones, "History of the Revolution in New York," vol. i. pp. 171, 189, 253, 351; vol. ii. pp. 57, 89, 423; "A View of the Evidence Relative to the Conduct of the American War under Sir W. Howe," p. 77; Appleton's "Cyclopædia of American Biography," vol. iv. p. 28. In Hopkinson's "Battle of the Keys" there was a verse about Mrs. Loring which is often omitted in modern editions.

to tell how long Howe might have remained in Boston were it not for the unkind and possibly impolitic perversity of the rebels.

Dorchester Heights and Nook's Hill commanded Boston from the south as effectually as did Bunker Hill and Breed's Hill on the north. Howe could have seized and fortified Dorchester at any time during those long months; but he would not do it. The farmers could not occupy it because they had not enough cannon. They were able, however, to collect cannon from all over New England, and they dragged down many on sledges during the winter all the way from Lake Champlain.

When they were all collected, Washington, on the night of March 4, 1776, began a tremendous cannonading all round his lines, to which the British replied. "It's impossible," says McCurtin, "I could describe the situation. This night you could see shells sometimes seven at a time in the air, and as to cannon, the continual shaking of the earth by cannonading dried up our wells." Under cover of this tumult a couple of thousand men with wagons, cannon, and bales of hay, made a detour far inland behind the hills, where the rumble of the wheels on the frozen ground could not be heard, and suddenly descended upon Dorchester Heights. The earth was frozen so hard that they could not dig entrenchments; but they made breastworks of the bales of hay on Dorchester Heights, and some days afterwards took possession of Nook's Hill. Howe directed Lord Percy with a force of 2400 men to attack Dorchester, but a rainstorm coming on, the expedition was abandoned, and the Americans remained in peaceful and undisturbed possession of their new stronghold.

Howe was determined to make not the slightest resistance. He decided to evacuate Boston without firing a

shot, and he made a very peculiar sort of informal agreement with Washington,—that if he would not fire on the British they would leave the town without doing it any injury.* He withdrew with his army on March 17, accompanied by some two thousand loyalists, and sailed away to Halifax.

Another extraordinary circumstance of this evacuation was that he did not consider it necessary to follow the usual military rule of destroying the ammunition and supplies that he was compelled to leave behind; or to make any arrangements to prevent the supply-ships that would soon arrive from falling into the hands of the patriots. He left as a present to the rebels over two hundred cannon, tons of powder and lead, thousands of muskets, and all sorts of miscellaneous military stores. From that time the favorite toast in the rebel camps was, "General Howe." They were not again favored with such profuse assistance until some years afterwards, when France began to send them supplies.

To the loyalists and to the Tories in England this seemed a strange proceeding; this going to Halifax and deserting the rebel country when he could have gone to Long Island or to Staten Island just as well. In the previous November he had declined to go to Long Island because he had not sufficient shipping. But now when he seemed to have sufficient shipping, his going to Halifax was almost like retreating back to England. What greater encouragement could he give to the rebellion without actually taking its side? His Whig friends in Parliament were delighted. It was another piece of strong evidence to show that the war was impracticable; and the thunders of Whig eloquence again resounded.

* Frothingham, "Siege of Boston," p. 303; Stevens, "Facsimiles," vol. ix. p. 855.

At this important juncture, when the British army had abandoned the rebellious colonies, and the rebellion was apparently victorious, with most of the colonial governors and British officials driven out of the country or prisoners, the patriots in the Congress decided to declare independence. This decision was reached within a couple of months. The time of actual debate on it occupied less than a month, for it was on June 7 that Richard Henry Lee offered his resolutions which formed the basis of the declaration of July 4. The first instructions to any set of delegates to urge an immediate declaration were given on May 22 by Virginia.

The question of declaring independence, or speaking of it openly, was still, as it had always been, purely one of policy. In the Congress at Philadelphia, in the spring of 1776, we find the delegates differing very seriously as to the advisability of declaring it so soon. The argument against an immediate declaration seems to have been that we had not been sufficiently successful in arms; and nothing but success in arms would make the declaration respectable. We must wait till we had secured the alliance of France. A reverse in battle in our weak state would make the declaration seem contemptible and destroy the possibility of help from France. We were not yet sufficiently united, and the declaration would alienate many who had not grown accustomed to the thought of complete independence.

At first the colonies stood seven in favor of an immediate declaration,—namely, the four New England colonies, Virginia, North Carolina, and Georgia. The conservative minority, led by Dickinson, was made up of Pennsylvania, South Carolina, New York, New Jersey, Maryland, and Delaware. It was very important, however, to have a unanimous vote, and great exertions were made to have

the patriot party in every colony instruct its delegates to vote for an immediate declaration.

Previous to July 2, when the final decision was made, four colonies were still in opposition. Of these, the vote of the Pennsylvania delegation was carried for the Declaration by Dickinson and Robert Morris absenting themselves. Delaware, whose vote had been evenly divided, was brought over by the arrival of Cæsar Rodney; and South Carolina was also persuaded. The New York delegation, being without fresh instructions, declined to vote. But the decision was almost unanimous, and on July 4 the formal paper prepared by Jefferson and his committee was adopted.

Such men as Dickinson and Robert Morris still held to their opinion that the declaration was premature. "It was an improper time," said Morris, "and it will neither promote the interest nor redound to the honor of America, for it has caused division when we wanted union."

It seems to have alienated many people who were hesitating and increased the number of the loyalists. Men like Morris and Dickinson could soon point to terrible disasters, and the patriot cause sunk almost to its lowest ebb; and the Declaration did not bring us the alliance of France, which came at last only as a result of a great patriot victory in the field.

On the other hand, the Declaration gave the real patriots a rallying point. It showed their purpose, interested the French king, and was a basis for his action when a victory convinced him of the advisability of an alliance. It was probably well to declare independence as soon as possible after what seemed to be our first distinct success, because it was a long time before we had another, and we never had one which at once put all the British troops out of the country.

Those who advocated an immediate declaration seem to

have relied on several circumstances which they thought had prepared the minds and sentiments of the patriot party. The Congress had recommended the patriot party in each colony to abolish their charter or any connection they had with England and set up a constitution and an American government of their own; to do, in short, what Massachusetts had already done under the Suffolk resolutions. This, it was hoped, would commit them more than ever to independence, and break up the sentiment which attached them to the old order of things. The patriots were now at work on these constitutions in all the colonies except Connecticut and Rhode Island, which, always having enjoyed practical independence, required no change.

Two atrocities, as they were called, had been committed by the British. Norfolk had been sacked and burned by Lord Dunmore, the governor of Virginia, and Portland, in Maine, had been shelled and burned by Lieutenant Mowatt in revenge for his arrest in the town and interference with the crews of British cruisers. These were, in a sense, accidental, and not part of the plan of either Howe or of the ministry; but they were believed to have won over many doubting patriots and to have given them sufficient active hatred of England. Cruelty and atrocity by the British were supposed to be important in winning over the doubtful. Lord North and the ministry seem to have had this in mind in their olive-branch policy and in their wish to be forbearing and moderate.

"From their form of government and steady attachment heretofore to royalty," wrote Washington at this time of the Virginians, "my countrymen will come reluctantly into the idea of independence; but time and persecution bring wonderful things to pass." *

* Bancroft, "History of the United States," edition of 1884, vol. iv. p. 888.

The Declaration was received very quietly by the people, both patriot and loyalist. There was none of the flourish and excitement with which we are familiar on its anniversary. Mrs. Deborah Logan, sitting at the window of her house at the corner of Fifth and Library Streets, in Philadelphia, heard the formal reading of it before what is now Independence Hall, and records in her diary that few people were present except some of the lower orders. Captain Graydon, who was with part of the patriot army, tells us that the troops also took the announcement very quietly. They regarded it as a wise step, though closing the door to accommodation or compromise.*

We also find some of the troops expressing their feelings in words which sum up the whole doctrine of independence. "Now," they said, "we are a people. We have a name among the states of the world." †

* See, also, "Life and Correspondence of President Reed," vol. i. p. 195.

† American Archives, fifth series, vol. i. p. 130.

XIX

THE BATTLE OF LONG ISLAND

WHILE the Congress was debating in June the question of independence Howe was on his way back from Halifax. He could not stay there indefinitely, because there were limits within which he must keep his conciliatory policy, and he was about to receive the large reinforcements which the ministry had been preparing to send him, and which were necessary for an effective occupation of the rebel territory.

On June 30, two days before the final vote on independence, he arrived at Staten Island, opposite New York. On July 12 his brother, Admiral Howe arrived with a large fleet and reinforcements. Some twelve thousand Hessians also arrived, the first of these troops to reach America. Clinton, returning from his fruitless attack of June 28 on Charleston, still further increased Howe's forces.

The whole British force of subjugation was thus concentrated on New York, and it was a huge army to have been sent across the Atlantic in those times. Its size has been variously stated, sometimes at 26,000; but according to the best sources of information, without counting the sailors and marines in the fleet, Howe had there before New York 34,614 men in good health and perfectly armed and disciplined. The fleet included fifty-two large war-vessels, twenty-seven armed sloops and cutters, and four hundred transports.*

* Beatson, "Naval and Military Memoirs of Great Britain," vol. vi. pp. 44, 53; Collier, Naval Chronicle, vol. xxxii. p. 269. The number 34,000 agrees with the statement of a spy, who reported the British force as over 35,000.—Force, fifth series, vol. i. pp. 1110, 1581, 1582; Jones, "New York in the Revolution," vol. i. p. 602.

The ministry had exerted themselves to the utmost to supply such an overwhelming force as would render the acceptance of their conciliation and peace policy a certainty. The olive branch was twined round a most stupendous sword.

But Howe was continually calling for reinforcements, and in his "Narrative" he complains that they were not sent. During the three years of his command in America they sent him, according to Galloway, over 50,000 men, and Lord North told Parliament that it was over 60,000,* with which to destroy a ragged rebel army that only once reached 20,000 and usually varied between 4000 and 10,000.

Howe did not at once attack and take New York, which he might easily have done while the patriot forces were weak and unprepared. He remained on Staten Island nearly two months. He and his brother, the admiral, were very anxious to conclude some sort of Whig or compromise peace. The admiral had succeeded in obtaining from the ministry a qualified authority to make peace; and he seemed to have had much confidence of success, relying perhaps on the large and threatening military and naval force to compel a compromise without fighting. He sent a flag and messengers to Washington, and it was in these negotiations that he addressed his letter to George Washington, Esq., ignoring his title of General. He had been instructed not to recognize the Congress or admit legitimate authority in any one. For this reason, and because Washington had no power to treat with him, the attempt came to nothing. The admiral expressed great regret that he had not arrived before the adoption of the Declaration of Independence, which had now made his mission of peace more difficult.

* Cobbett, "Parliamentary History," vol. xix. p. 766.

As for Admiral Howe's naval operations during his command, they were certainly good Whig methods, but most exasperating to loyalists like Galloway. In 1776 the admiral had with him fifty-six war-vessels, and in the next year he had eighty-one. He could have placed them within sight of one another along the coast from Boston to Charleston. But he never attempted any such blockade. He maintained a blockade of New York and a partial blockade of the Delaware Bay and the Chesapeake. But his vessels were easily evaded. American ships and small privateers, which preyed on English merchantmen, found a safe entrance at Egg Harbor, on the Jersey coast, whence, by way of the Mullica River, goods were hauled in wagons to Philadelphia and other points. His blockade of the Chesapeake was easily avoided in the same way by means of the Machipongo Inlet, twenty-five miles above Cape Charles; and in the Carolina Sounds the Americans did as they pleased. When asked why he did not commission loyalist privateers to destroy American merchantmen, the admiral is said to have replied, "Will you never have done oppressing these poor people? Will you never give them an opportunity of seeing their error?" He was a most ardent believer in conciliation.*

When his peace negotiations at Staten Island failed there was nothing that he and his brother could do but take New York and see what effect that would have in bringing about a satisfactory compromise. The town at that time extended from the Battery only to Chatham Street, and the point of land on which it stood was much narrower than it is now. Breastworks and redoubts, planned

* Galloway, "Letter to the Right Honorable Lord Viscount Howe," London, 1779; Galloway, "Detail and Conduct of the American War," third edition, p. 26, etc., London, 1780; Stevens, "Facsimiles," vol. xi. p. 1168.

by General Charles Lee and a couple of committees, had been thrown up along the shores of both rivers and cannon planted in them.

How strong these fortifications were cannot be determined, for no serious attempt was made upon them by Admiral Howe. After the battle of Long Island he seems to have entered the East River without any serious opposition from them. There is every reason to suppose that he could have demolished them and knocked the town to pieces with his large fleet. But the policy of the Howes, and apparently also of the ministry, was to destroy no towns and to do no devastating.

This brings us to the important question in the conduct of the war. How far was the conduct of the Howes a carrying out of their own ideas and those of the Whig party, as the loyalists charge, and how far was it merely obeying the olive-branch instructions of the ministry? Numerous declarations of Lord North and the ministry in Parliament, and the testimony before the committee of inquiry, show that the ministry intended some sort of severity, coupled with some sort of extreme mildness; a severity which, without great injury, devastation, or cruelty, would, as Germain expressed it, lead America to see her error, and discover "that she could not be truly happy but when connected with some great power." * It has been supposed that the Howes were placed in command because, being Whigs, and having had very friendly associations with the Americans, they were well fitted for carrying out such a policy. But in the end, Lord North, Lord George Germain, and the whole ministry declared that they were disappointed in the methods and conduct of the Howes.†

* Parliamentary Register, House of Commons, 1779, vol. xiii. p. 368.

† Lord North described the large forces, military and naval, that had been sent to the Howes, and said, "That he must confess himself

The ministry, it seems, had at last, through the Secretary for the Colonies, Lord George Germain, written letters to the Howes calling for more severity in the conduct of the war. Fox read in Parliament extracts from these letters which seemed to require that the war should be so conducted as to convince America of the determination "to prosecute it with unremitting severity."* The ministry and the Tories seemed to think that these instructions had not been obeyed. General Howe, in his defence before the committee of inquiry, denied that he had received such instructions, and his statement is most interesting and significant.

"For, sir, although some persons condemn me for having endeavoured to conciliate his Majesty's rebellious subjects, by taking every means to prevent the destruction of the country, instead of irritating them by a contrary mode of proceeding, yet am I, from many reasons, satisfied in my own mind that I acted in that particular for the benefit of the king's service. Ministers themselves, I am persuaded, did at one time entertain a similar doctrine, and from a circumstance not now necessary to dwell upon, it is certain that I should have had little reason to hope for support from them, if I had been disposed to acts of great severity. Had it been afterwards judged good policy to turn the plan of the war into an indiscriminate devastation of that country, and had I been thought the proper instrument for executing such a plan, ministers, I presume, would have openly stood forth, and sent clear, explicit orders. Ambiguous messages, hints, whispers across the Atlantic, to be avowed or disavowed at pleasure, would have been paltry safeguards for the honour and conduct of a commander-in-chief."—Cobbett, "Parliamentary History," vol. xx. pp. 682, 688.

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extremely disappointed in his expectations of the effect of our military force. He did not mean at that time to condemn or even to call in question the conduct of any of our commanders, but he had been disappointed."—Cobbett, "Parliamentary Debates," vol. xix. p. 766; Parliamentary Register, House of Commons, 1779, vol. xiii. pp. 271, 272.

* Cobbett, "Parliamentary Debates," vol. xx. p. 844; Parliamentary Register, House of Commons, 1779, vol. xiii. pp. 350, 357, 358.

If the suspicion which seems to be in Howe's mind were correct, the ministry wished to avoid the responsibility of severe devastating measures, because the cruelty of them would arouse Whig eloquence and perhaps increase the Whig forces to a majority. If, however, by means of expressions, the meaning of which was uncertain and could be avowed or disavowed, they could lead Howe, a Whig general, into measures of severity, the blame for cruelty, if the measures failed, could be shifted to a Whig, and if the severity succeeded in bringing about a peace or compromise, the cruelty would be of little moment or soon forgotten.

The instructions or messages which Fox read in Parliament, and which Howe said were ambiguous whispers across the Atlantic, seem to be contained in two or three letters written to Howe by Lord George Germain, the colonial secretary. The first one is dated March 3, 1777, and was received by Howe on May 8. After regretting the loss at Trenton, enjoining care against similar accidents, and referring to certain inhuman treatment said to have been inflicted by the rebels upon Captain Phillips, the letter closes by saying:

"And here I must observe that if that impudent people, in contempt of the gracious offers contained in the late proclamation, shall persist in overt acts of rebellion, they will so far aggravate their guilt as to become altogether unworthy of any further instances of his Majesty's compassion; and as they who insolently refuse to accept the mercy of their sovereign cannot, in the eye of impartial reason, have the least room to expect clemency at the hand of his subjects, I fear that you and Lord Howe will find it necessary to adopt such modes of carrying on the war that the rebels may be effectually distressed, so that through a lively experience of losses and sufferings they may be brought as soon as possible to a proper sense of their duty, and in the mean time may be intimidated from oppressing and injuring his Majesty's loyal subjects."—Parliamentary Register, House of Commons, 1779, vol. xi. p. 394.

Bancroft quotes a passage from a letter which he says was sent at this time, but follows his custom of giving no authority for it.

"At the expiration of the period limited in your proclamation, it will be incumbent upon you to use the powers with which you are intrusted in such a manner that those persons who shall have shown themselves undeserving of the royal mercy may not escape that punishment which is due to their crimes, and which it will be expedient to inflict for the sake of example to futurity."—Bancroft, "History of the United States," edition of 1886, vol. v. p. 146.

In another letter, written February 18, 1778, and received by Howe April 14, Germain says that the king has accepted Howe's resignation, but he is to remain until his successor arrives; and the letter goes on to describe the serious attempt at peace the ministry was making by sending out a strong commission for that purpose, and adds that the king has full confidence that while Howe remains in command he "will lay hold of every opportunity of putting an end to the rebellion and inducing a submission to legal government." If the rebel colonists obstinately refuse the offers of the peace commission, "every means will be employed to augment the force . . . in the prosecution of the war." At the close of the letter Howe and his brother, the admiral, are directed to make such an attack upon the New England coast as will destroy the rebel privateers and incapacitate the people from fitting out others. This expedition against New England Howe declined to make, giving as his reason that it was too hazardous, because of the fogs, "flatness of the coast," together with other very peculiar excuses.*

* Parliamentary Register, 1779, vol. xi. pp. 462, 466. It is necessary to warn the reader that owing to the peculiar way in which the Parliamentary Register is published, there are often two volumes bearing the same number and distinguishable only by their dates.

The contents of these letters have been given somewhat at length in order that the reader may judge for himself whether they are ambiguous. They do not contain positive instructions, and yet they do not appear to have been considered ambiguous by Fox and Meredith, who commented upon them in Parliament. They showed what the ministry wished the general and the admiral to do. They are very like numerous other directions and suggestions in the other letters from Germain printed in the Parliamentary Register. Howe was not sent out to America under binding or positive instructions.* He was sent out, as is usual in such cases, with full discretionary power to suppress the rebellion; and at such a great distance the ministry was obliged to assume that, as a rule, he was the best judge of his surrounding circumstances. As commander-in-chief he could take the responsibility of refusing to carry out a direction or request of the ministry if he deemed it unwise, impracticable, or too hazardous, unless he had positive instructions that it was to be carried out at all hazards on the responsibility of the ministry alone. He knew all the political, military, and other conditions of the time, and had assumed responsibility for his actions.

While I myself incline to the opinion of Galloway and the loyalists that he adroitly stretched the conciliatory and olive-branch part of the ministry's policy so as to favor the Whig party in England and the patriot party in America, and while I think that it is only on this supposition that his extraordinary military movements can be explained, I do not wish to force this opinion on readers who have not had my opportunities of examining the evidence, I have endeavored to give the facts and the

* "View of the Evidence relative to the Conduct of the War," etc., p. 112.

sources of information in such a way that any one, if he wishes, can form a contrary opinion, and believe that Howe was merely carrying out in letter and in spirit the policy of the ministry, or that he was the most extrordinarily stupid and ignorant bungler that ever held the position of commander-in-chief.

The patriot military forces at New York, when General Howe first arrived, were only about ten thousand. His delay of nearly two months allowed them the opportunity to increase this number. Enthusiasm and rumors soon had their numbers up to forty-five thousand or fifty thousand. It had seemed to both the patriots and their Congress that before long they must surely have that number. Many expected more. But by the actual returns made by Washington, his forces, all told, were only 20,275. Of these the sick were so numerous that those fit for duty were only about fourteen thousand. The large sick-list was apparently the result of shocking unsanitary conditions, which for long afterwards were characteristic of the patriot camps; and in winter they were always afflicted with the smallpox. Besides disease which was so prevalent among them, they were a most badly armed, undisciplined, disorderly rabble, marauding on the inhabitants and committing all kinds of irregularities.* Except a few troops, like Smallwood's Marylanders, they were for the most part merely a collection of squads of farmers and militia bringing with them the guns they had had in their houses.

It was no longer exclusively a New England army. It contained numerous troops from the middle and southern colonies, and its size may be said to have indicated the

* De Lancey's note to Jones, "New York in the Revolution," vol. i. pp. 599–603; Irving, "Life of Washington," edition of 1861, vol. ii. chap. xxx. p. 288.

high-water-mark of the rebellion, under the influence of the Declaration of Independence, and the belief that a great victory had been gained some months before by compelling Howe to evacuate Boston. It was the largest number of patriots that were collected in one army during the whole war. To handle such a disorganized mob so as to offer any respectable resistance to Howe's superb army was a task requiring qualities of homely, cautious patience and judgment which few men besides Washington possessed. John Jay, General Charles Lee, and others believed that no attempt should be made to hold New York. The risk of an overwhelming defeat was too great. In fact, the general patriot plan for that summer of 1776 was to wear it away with as little loss as possible.

It was a delicate question to decide, and no doubt a great deal could be said in favor of making a present of New York to the British without a battle; allowing them to lock themselves up there, and reserving the patriot force to check their subsequent expeditions. But Washington seems to have been influenced by a principle of conduct on which he frequently acted. He must make some sort of resistance to Howe's entering New York if the rebellion and its army was to retain any reputation. He also wished to delay Howe so that after settling in New York he could make but few expeditions into the country before winter.*

Washington was obliged to use nearly half of his effective force in the fortifications and in guarding various points in the town. The most important place to defend was Brooklyn Heights, on the Long Island side of the East

* Vergennes, who finally brought about the alliance with France, was much impressed by Washington's willingness to fight against heavy odds.—Bancroft, "History of the United States," edition of 1886, vol. v. p. 244.

River, directly opposite New York, and commanding it very much as Bunker Hill or Dorchester Heights commanded Boston. If Howe took Brooklyn Heights, he had the city. Washington accordingly sent across to these heights some eight thousand of his men under Putnam, who made rough intrenchments of earth and fallen trees.

These eight thousand men were, of course, in a trap, for if Howe attacked them in front, their chance of escaping across the river was doubtful, and he could absolutely prevent it by sending the fleet into the river behind them. Military critics have commented on this risk, and the only answer is that, under all the circumstances, Washington thought himself justified in taking the chances rather than abandon New York without a blow.

General Howe proceeded to dispose of the patriots on Brooklyn Heights, and he showed the same perfect knowledge of the ground and of the enemy opposed to him which he afterwards displayed at Brandywine. He also showed his skill in winning easily so far as it suited his purpose to win.

He had remained on Staten Island from his arrival on the 30th of June until the 22d of August, when he took across to Long Island about twenty thousand* of his men, a force which was certainly ample for defeating the eight thousand Americans on Brooklyn Heights.

Between Brooklyn Heights and the place where Howe had landed on Long Island there was a wooded ridge, and a large part of the patriot force, leaving their breastworks at Brooklyn Heights, went out on this ridge to check the advance of Howe's army. There right was commanded by William Alexander, of New Jersey,—or Lord Sterling, as he was called from a lapsed Scotch title

* Twenty-four thousand, according to Bancroft, "History of the United States," edition of 1886, vol. v. p. 28.

which he had ineffectually claimed,—and their left was commanded by Sullivan, of New Hampshire. This movement in force to the ridge has been criticised as risking too much, because the army was not organized or officered, and had not the sort of troops necessary for advanced positions.*

Several roads led directly from Howe's position to the ridge and to Brooklyn Heights. On the night of August 27 he sent nearly half his force by these roads,—Grant on the left along the shore and Heister with the Hessians on the right. Taking the rest of his force under his own personal command, Howe, with Clinton and Cornwallis, went by another road far to the eastward, and, making a long detour, came upon the American flank and rear just as the battle was beginning with the regulars and Hessians, who had come by the direct roads. The timing of the movement was most exact and successful, and the patriots, as usually happened, had no means of obtaining information or detecting a movement of this sort.

Sullivan's division, which had Howe on its flank and rear and the Hessians in front, were nearly all killed or taken prisoners. Sullivan was taken hiding in a field of corn. Alexander's division, composed of Delaware troops and Smallwood's famous Marylanders, made a most desperate and heroic stand for four hours against the regulars under Grant, and succeeded in escaping back to the fortifications at Brooklyn Heights, but with heavy loss in killed and prisoners, and Alexander was captured.

Among the prisoners, Graydon tells us, was one of the famous Connecticut cavalrymen armed with a long duck-gun, who was compelled to amble about for the amusement of the British army. When asked what his duties

* American Historical Review, vol. i. p. 650.

MAP OF THE BATTLE OF LONG ISLAND

had been, he is said to have replied, "To flank a little and carry tidings."

Clinton, Cornwallis, and Vaughan all urged Howe to pursue the rebels at once into their intrenchments, and the common soldiers were with difficulty restrained from pressing on. He admitted that the intrenchments might be easily taken, but declined to take them in that way. He thanked his officers for their zeal and advice, said enough had been done for one day, and that the intrenchments could be taken by regular approaches with less loss.*

The battle was a curious one, because it now largely depended upon the direction of the wind. It had apparently been intended to use the men-of-war, and possibly send them into the East River behind Brooklyn Heights. But the wind was northeast, and after beating against it they were compelled to anchor when the tide turned; and only one vessel, the "Roebuck," exchanged shots with Red Hook.

Possibly Howe expected that in making his approaches the next day the fleet would co-operate with him, go round into East River, and entrap the force at Brooklyn. But the wind continued from the northeast, with rain. Washington crossed over to Brooklyn Heights, raising the force there to possibly ten thousand men. He remained there all that day, evidently believing that as long as the wind blew northeast he was safe. The next day the wind and rain continued, but the British were pushing their approaches, and Washington was unwilling to trust to Prov-

* "Remarks upon General Howe's Account of his Proceedings on Long Island," London, 1778; see, also, Howe's "Narrative;" Stedman, "American War," edition of 1794, vol. i. p. 196, London. Clinton, in his MS. notes to Stedman, p. 196, says that Howe may have had political reasons for not attacking Brooklyn Heights. Clinton's MS. notes are in the Carter-Brown Library, Providence, Rhode Island, and a copy of them is in the library of Harvard University.

idence any longer. He collected boats, and that night, although it became bright moonlight, he slipped all his men safely across to New York, although, according to Stedman, Howe knew of the movement in time to have prevented it.*

Instead of following up his advantage, as a policy of severity would require, Howe now remained on Long Island for over two weeks. The patriots were astonished.† When he finally entered New York he allowed the patriot army plenty of opportunity to evacuate the town, and made no attempt to hem them in on the narrow island.‡ Landing near what is now Thirty-third Street, he occupied the high ground between Fifth and Sixth Avenues and Thirty-fifth and Thirty-eighth Streets. Most of the Americans had escaped northward, but Putnam was still within the town with four thousand men. He also escaped northward by the Bloomingdale road, passing within sight of the British right wing unmolested, while Howe and some of his officers were lunching with Mrs. Robert Murray at that part of New York still known as Murray Hill.

Mrs. Murray was a patriot, and, as the pretty story

* Stedman, "American War," edition of 1794, vol. i. pp. 197, 198, London; Parliamentary Register, 1779, vol. xiii. pp. 55, 315.

† Jones, in his "History of New York in the Revolution," vol. i. p. 119, gives a letter which he says was written by General Putnam to the governor of Connecticut on September 12: "General Howe is either our friend or no general. He had our whole army in his power on Long Island, and yet suffered us to escape without the least interruption; not only to escape, but to bring off our wounded, our stores, and our artillery. We are safe upon York Island, and the panic (which was at first universal) is nearly wore off. He is still with his army on Long Island—his long stay there surprises us all. Had he instantly followed up his victory the consequences to the cause of liberty must have been dreadful."

‡ Clinton's MS. notes to Stedman's "American War," vol. i. p. 208.

goes, invited Howe to lunch for the purpose of delaying him and saving Putnam's force; or, at any rate, her offer of lunch and entertainment, as we are solemnly informed by historical writers, is supposed to have had that effect. But that Howe and the officers with him and all the other officers who were not at the lunch were deceived in this way is absolutely incredible. There must have been an intention to move easily and give the patriots every chance. The lunch at the patriot house and the jokes that are said to have passed at the table were a part of the conciliatory method thus far adopted by the ministry or by Howe. They appear to have thought that under this method the movement for independence would finally collapse; but under modern British methods Mrs. Murray would have been captured and locked up in a reconcentrado camp.

But why detail all the extraordinary care and pains Howe took at this time. Must he do what the Whigs had said was impossible,—namely, crush the rebellion. Had he not instructions from the ministry to be lenient and hold out the olive-branch. The peace negotiations were renewed by the admiral, and this time he addressed himself directly to the Congress through General Sullivan, who had been taken prisoner. The Congress allowed an informal committee to meet the admiral on Staten Island, where he entertained them at lunch in a rustic bower of branches. But as his peace powers extended no farther than the issuing of full pardon on return to allegiance and obedience, nothing could be accomplished. He afterwards issued a proclamation containing vague promises or intimations that in return for obedience all objectionable acts of Parliament would be repealed. As a Whig he undoubtedly intended to accomplish a settlement which would give him the reputation of having solved the American problem

and be very advantageous both to the patriots and to his own party in Parliament. He seems to have believed that if the ministry had given him proper authority he could have settled the question by conversation with the leading patriots. He had tried hard to get from the ministry sufficient authority for that purpose, and delayed his departure from England for two months in the hope of obtaining it.*

After escaping from New York, Washington's army went no farther than to the upper end of the island, where, at Harlem Heights, along the Harlem River, he fortified himself in a strong position. He could be forced from that position or entrapped within the narrow strip of land on which he was if a British force went round behind him to the north. Howe started to entrap him in this way, and both Lafayette and Stedman agree in saying that Washington would have remained in the trap had it not been for General Charles Lee, who urged him to go out to White Plains, from which it was easier to retreat.†

Howe confronted him there on October 28 and took by storm a small American outpost on Chatterton Hill. But he would not attack Washington's main force, although, in the opinion of most people, he had a chance to inflict on it irreparable damage.‡ He admitted in his "Narrative" that he could have inflicted some damage, but would not tell why he refrained, except to say that he had

* Bancroft, "History of the United States," edition of 1886, vol. v. pp. 6, 40, 43. A letter from Widderburn seems to indicate that the ministry were suspicious of the admiral's intentions and not altogether willing to trust him with peace proposals.—Historical MS. Commission, 9th Rep., part iii. p. 84.

† Lafayette, "Memoirs," vol. i. p. 49; Stedman, "American War," edition of 1794, vol. i. p. 211.

‡ "Observations on the Conduct of Sir William Howe at the White Plains," London, 1779.

MAP SHOWING THE MOVEMENTS OF WASHINGTON AND HOWE TO WHITE PLAINS

"political reasons and no other for declining to explain," and his confidential friend, Cornwallis, when questioned before the committee of inquiry, made the same enigmatical statement. We are therefore left to the inference that he was either trying to bring about a compromise by lack of severity or that he was determined to stop just short of crushing the rebellion and prove the Whig position that the rebellion was unconquerable.

The patriots still held Fort Washington, on the Hudson, two and a half miles below King's Bridge. Washington was in favor of abandoning it, but between the bungling of the Congress and General Greene it was retained and reinforced.

It was not really a fort, but an open earthwork without a ditch or outside obstruction of any consequence, and with high ground in its rear. It had no barracks, casemates, fuel, or water. The troops that were supposed to be holding it found that they could protect themselves better by remaining outside of it. But it was decided to retain it against the British for the sake of inspiriting the patriot cause, and the New Englanders, Graydon complains, were quite willing to see the Southern troops, some 3000 Pennsylvanians and Marylanders, sacrificed in the attempt.

There was desultory fighting round them for many days, and Graydon's descriptions are interesting. There was the patriot lad of eighteen who killed a regular and brought in his shining, beautiful arms, such a contrast to the brown and battered American weapons; and those shining arms were with much ceremony formally presented to the boy at evening parade. There was the sergeant who killed a British officer, stripped him of his uniform, and wore it like a glittering peacock in the patriot camp. Graydon describes the British soldiers as absurdly bad marksmen. They threw up their guns with a jerking motion and pulled

the trigger the instant the gun reached the shoulder. Ten of them fired at him within forty yards and missed him.

Fort Washington was practically within Howe's lines. He took it because it was almost thrust upon him, and he had also the advantage of one of its garrison deserting and revealing all its approaches. So he plucked the ripe plum, almost ready to drop into his lap, with trifling loss on either side, and had another large batch of ragged prisoners for the amusement of his officers.

Graydon, who was one of them, gives most vivid descriptions of the scenes. They were threatened with the butts of guns, reminded that they would be hung, and, cursing them for "damned rebels," mock orders were given to kill prisoners. The patriots had any sort of clothes and accoutrements they could get, and some of their equipments had once been the property of the British government. Graydon had a belt with the British army marks G. R. stamped upon it; and as soon as this was recognized it was wrenched from him with violence.

The officers surrounded them in crowds, and were as much amused as they had been in Canada at the inferior social condition of the patriot captains and lieutenants. As the names were written down there were shouts of laughter at each tattered farmer who announced that he was a captain, or "keppun," as one of them pronounced it. Young officers, insolent young puppies, anxious to show that they were soldiers, were continually coming up to curse the captives in affected Billingsgate, and to parade them over and over again under the pretence of looking for deserters.

Fort Lee, on the other side of the Hudson, was untenable, and the rebels abandoned it as they should have abandoned the so-called Fort Washington. It was a terrible clearing-out and wiping-up for the supporters of

independence. In spite of all his restraint, Howe was accomplishing more than he intended. The great size of his army and the two battles it fought at Long Island and Fort Washington so demoralized the patriots that their force was cut in half and was melting away. Lee was on the east side of the Hudson, with 7000, soon reduced by desertions to 4000. He refused, though repeatedly requested, to join Washington, who, having retreated into New Jersey, was now falling back towards the Delaware.

Washington wished to keep himself between Howe and Philadelphia, which every one now supposed would be taken by the British. Washington, however, could not have offered any real resistance to a movement against Philadelphia, because as he kept retreating his force dwindled until, when he crossed the Delaware, he had only 3300 men.

This retreat through New Jersey brought another storm of abuse upon Howe from the loyalists and Tories. They could not understand why Washington and his handful of men were not all captured or destroyed long before they reached Trenton.

Cornwallis, who was a Whig member of Parliament and Howe's most trusted and confidential officer, had been sent into New Jersey with 5000 men, apparently to capture Washington. But although Washington moved slowly Cornwallis never came up with him. A Hessian officer entered in his diary that Cornwallis had been instructed to follow until the patriots should make a stand, and then not to molest them.* Cornwallis admitted before

* Pennsylvania Magazine of History, vol. xxii. p. 149; "A View of the Evidence Relative to the Conduct of the War," etc., p. 98. Galloway, of course, has much to say on this subject. See, also, Paine's "Crisis," No. 5; Bancroft, "History of the United States," edition of 1886, vol. v. pp. 92, 93; Stryker, "Battles of Trenton and Princeton," pp. 16, 327.

the committee of inquiry that Howe had instructed him to stop at New Brunswick. He could, he said, have disregarded this order; but saw no opportunity to pursue, and his troops were too tired. They must have been very tired, for, reaching New Brunswick December 1, they did not reach Trenton until December 7. They rested seventeen hours in Princeton, and took seven hours to march the twelve miles from there to Trenton, where Washington crossed the river just ahead of them, taking all the boats.

Howe, with reinforcements, had joined Cornwallis at New Brunswick, and went with him to Trenton so as to make sure of careful work; and he certainly succeeded in securing as much slowness and caution as though Washington had outnumbered him ten to one. Philadelphia could easily have been taken and occupied by the overwhelming numbers of the British; but Howe would not do it. He said he had no boats with which to cross the Delaware, when the lumber to make boats and rafts was lying in piles before his eyes in Trenton.*

The situation expressed in figures is the most extraordinary one ever recorded,—a victorious army of 34,000 declining to end a rebellion represented by only 3300 wandering, half-armed guerillas. No great nation, no general representing a great nation, has ever before or since accomplished such a feat as that. For his victory at Long Island, however, the king now made Howe a knight companion in the Order of the Bath.

He had done so much, in spite of himself, in spite of his obvious desire to nurse the rebellion for the sake of Whig politics, that he had almost crushed it. One vigorous pursuit, one following up of any one of his advantages, any of the usual methods of war, might have been an over-

* Stryker, "Battles of Trenton and Princeton," pp. 27, 37; Jones, "History of New York in the Revolution," vol. i. p. 128.

whelming disaster to the patriots. The loyalists awaited impatiently the blow that would give them their country again under the orderly government of the British empire.

The patriots had now no army; only wandering, scattered commands. Their Congress had fled from Philadelphia to Baltimore; it was a migrating Congress, carrying its little printing-press and papers about the country in a wagon, meeting at Lancaster, York, or any place that was safe, for many a day afterwards; and Washington prepared to retire to the west as a guerilla marauder.

"We must then retire to Augusta County in Virginia. Numbers will repair to us for safety, and we will try a predatory war. If overpowered, we must cross the Alleghany Mountains."—Irving, "Washington," vol. ii. chap. xli.

Thus the romantic retirement of the patriots to live among the Indians and the buffalo, which Burke had so eloquently described, very nearly came to pass. It would have been a migration away from British rule very much like the grand trek of the Boers of South Africa in the next century; and some fierce and free republics might have grown up in the Mississippi Valley.

Among the supposed disasters of the patriots was the capture of General Charles Lee, after he had crossed the Hudson into New Jersey. He had been a British officer, but joined the patriot side apparently from belief in Whig principles. He was one of those curious Englishmen who down to our day have been able to impose themselves on Americans. He talked in a striking, clever manner, with a shrewd affectation of great knowledge of the world and high society, which is a form of humbug that our people have always been very slow to detect. He gained some of the credit, which properly belonged to Moultrie, for having defended Charleston; he had assisted in preparing the de-

fences round New York; and was believed to have rendered most valuable assistance to the patriot cause by advising Washington to move from the Harlem River to White Plains. These services secured for him a continuance of American confidence, and the two dogs which always accompanied him helped to keep up his eccentric and conspicuous character. He had been thirty-two years in the British army, the last twelve on half-pay, and had never had command of a regiment. His chief military service had consisted in wandering about among the courts and armies of Europe, where he talked himself into notoriety, and was given a generalship in Poland.

He despised American soldiers and had no confidence in their ability to withstand British regulars. So far as he had any convictions, they seem to have been half loyalist, somewhat like those held by Arnold. He did not believe in the Declaration of Independence, or believed in it only as something to cede as the price of a compromise. Arnold was retained in our service for his undoubted ability, and Lee for his imaginary genius. Lee was a most absurdly incompetent soldier to be given high rank, and yet we made him a general next in rank to Washington, who was completely deceived by him, and had faith in him up to the battle of Monmouth.

XX

THE BATTLES OF TRENTON AND PRINCETON

HOWE had gone so far in his plans as to conquer New York and New Jersey, and thousands of people who had been hesitating now came in and took the British oath of allegiance. They had been for the rebellion if it should succeed; but they could now see nothing but futile wickedness in prolonging such a struggle and the sacrifice of life and property to the patriotic sentiment that it was better to die than to live political slaves.

It seems probable that Howe expected some sort of voluntary peace or compromise which would show that the colonies could be retained without subjugation, as Burke and Chatham supposed was possible. His successes, as he afterwards put it in his "Narrative," "had very nearly induced a general submission."

But to loyalists like Galloway the waiting for peace seemed to give the rebels a chance to recuperate. It seemed as if Howe purposely refused to move again until Washington had a sufficient number of men to meet him. Months passed away before Washington was able to collect ten thousand men, and nearly a year after, and as late as September, 1777, he had only eleven thousand with which to fight the battle of the Brandywine. He never again got together as many as he had had at New York.

Settled down in New York with Mrs. Loring and cards for the winter, Howe made no effort to wear out the scattered patriot commands or to complete and make permanent his conquest. He never did anything in winter. The three winters he spent in repressing the rebellion

were passed in great luxury in the three principal cities, Boston, New York, and Philadelphia, waiting for a voluntary peace. It would have been Charleston's turn next.

Before settling down in New York he sent, on December 8, some six thousand troops to occupy Newport, Rhode Island. His great army of nearly thirty thousand was larger than the population of New York, and filled the houses, churches, and public buildings, crowding out alike both the loyalist and the rebel, spreading out into the suburbs and cutting down the woodlands for miles in every direction to supply fuel. Fine old mansions, and the neat, pretty houses of the thrifty, where domestic morals had prevailed, were filled with trulls, doxeys, little misses, dulcineas, and all the other female followers of the armies in that age.

Before returning from Trenton, on December 13, he adopted a plan for keeping possession of his great conquest of New Jersey. He placed a cantonment of troops at Amboy, near New York, one at New Brunswick, another at Princeton, and two cantonments of fifteen hundred Hessians each at Trenton and Bordentown on the Delaware. The cantonments at Trenton and Bordentown were six miles apart; Trenton was twelve miles from the small force at Princeton, and New Brunswick eighteen miles from Princeton. Such weak outposts as Trenton and Bordentown, so far away from support and from the main army in New York on the other side of the Hudson, were tempting objects of attack, and Washington prepared to destroy them.*

The Hessians at Trenton were under the command of Colonel Rall, who was drunk most of the time, could speak no English, had no fortifications for his men, and

* Cornwallis said in his testimony before the committee of inquiry that he had advised placing the outposts at Trenton and Bordentown, and Howe admitted to Clinton that they were too far away.—Clinton's MS. notes to Stedman's "American War," vol. i. p. 224.

MAP SHOWING THE POSITION O THE BRITISH ARMY N NEW YORK IN DECEMBER, 1776, WITH ITS CANTONMENTS FOR HOLDING NEW JERSEY

allowed them to plunder and disaffect the inhabitants.* The fifteen hundred Hessians at Bordentown were under Count Donop, and seem to have been intended to cover the neighboring town of Burlington.

Washington collected the remains of Lee's force, which, together with his own and some sent down from Lake Champlain, gave him six thousand men, which represented all there was left of fighting enthusiasm in the patriot population. It was only by the greatest persuasion that he kept this small force together, for the enlistments of many of them were expiring. Artists and sculptors represent these troops as dressed in handsome uniforms. But those who saw them agree in describing them as dressed in ragged summer clothes, with their shoes so worn that the frozen roads cut their bare feet. Their camps along the Delaware were filled with loyalists and spies, for most of the people in that region were lukewarm or hostile, had given up the rebellion as hopeless, and thought that the best plan was to make some sort of peace with Howe.

Washington divided his force into three divisions, which were to cross the Delaware through the floating ice at about the same time. One under Cadwalader was to go against Donop at Bordentown, another under Ewing was to cross directly in front of Trenton, and the third, of 2500 men, which Washington himself commanded, was to cross above Trenton.

Crossing the Delaware through the floating ice was cold and unpleasant but not dangerous work. If the ice was floating loosely the passage could be made, but if the pieces

* Heister, when asked why he intrusted the brigade at Trenton to such a drunken fellow as Rall, is said to have replied, "Sir, if you will tell me why you did not make an end of the war at White Plains, I will then give you an answer."—"Observations on the Conduct of Sir William Howe at the White Plains," p. 19, London, 1779. See, also, Pennsylvania Magazine of History, vol. xxii. p. 462. . . . .

were closely packed together by the tide, boats could not be forced through them. Where Washington himself crossed, above the influence of the tide, the ice appears to have been floating loosely. It was Christmas night, cold, and at eleven o'clock a northeast snow-storm began, which became sleet before morning. It was severe exposure for patriots with ragged summer clothes and worn-out shoes; but the darkness, the storm, and the Christmas carousing of the Hessians were well suited to Washington's purpose. He marched quietly down upon Trenton, where the drunken Rall, though warned through the numerous loyalists and spies of the intended attack, allowed himself to be taken by surprise, was mortally wounded, and most of his men were made prisoners.

The other divisions seem to have found the ice jammed by the tide, for they failed to cross that night. But the next day Cadwalader crossed at Burlington, to find that Donop had retreated. The Hessian prisoners were sent to Philadelphia to be paraded in triumph. It was a great success, and the first event which impressed upon Europeans the ability of Washington to seize an opportunity.

Washington immediately fell back to the Pennsylvania side of the river, but finding no vigorous movement made from New York, he recrossed and again occupied Trenton. The appearance, however, of Cornwallis with 8000 men compelled him to abandon Trenton and cross a creek immediately south of the town, where he encamped for the night. Cornwallis might have shut him in against the Delaware and the creek and captured him; but he postponed this until the next morning. It was a narrow escape for Washington, and, as Clinton remarked, rather extraordinary conduct on the part of Cornwallis.*

* Stryker, "Battles of Trenton and Princeton," pp. 268, 461, 464; Clinton's MS. notes to Stedman's "American War," vol. i. p. 236.

During the night Washington left his camp-fires burning and men working noisily on intrenchments, and with the rest of his little force, passing out through the way Cornwallis had left unguarded, performed the brilliant manœuvre of marching to the rear of that general towards New York. He had made up his mind that he could penetrate into the interior of New Jersey, and attack Princeton and possibly New Brunswick without any interference from Howe. The men who now followed him were comparatively few, and not supported by the surrounding population, but they were the enthusiasts of the rights of man, the desperate and determined element of the patriot party; and the roads to Princeton were marked with blood from their naked, frost-bitten feet.*

He reached Princeton about daybreak, where three regiments of British reinforcements were starting out to join Cornwallis at Trenton. One of them, under Colonel Mawhood, followed by part of another regiment, passed out of Princeton on Washington's left as he entered by another road. Seeing the Americans enter the village, Mawhood turned back and attacked Mercer's brigade. Mercer was mortally wounded, and the brigade in danger of retreating, when Washington rode to its head and led the men to within thirty yards of Mawhood's regiment, which was repulsed, and went on to join Cornwallis at Trenton. The other regiment and a half fought for a while in the streets of Princeton, but were compelled by the superior numbers of the Americans to retreat to New York.

The battle of Princeton was a small affair. The engagement with Mawhood is said to have lasted hardly twenty minutes; and the troops engaged in that affair and in the fighting in the streets of Princeton were only about

* Pennsylvania Magazine of History and Biography, vol. xx. p. 515.

2000 British against some 4000 or 5000 Americans. But, coupled with Trenton as part of a sudden success in the midst of overwhelming defeat, it aroused great rejoicing among the friends of the patriots in Europe, and deserves all that has been said of it. It was brilliant work on the part of Washington, in a time of utter hopelessness, when the belief was becoming general that the only safe place for the patriot party was on the other side of the Alleghany Mountains.

Howe, with his army of 28,000, now quietly allowed Washington to reconquer New Jersey with 5000. After the battle at Princeton Cornwallis abandoned Trenton, Bordentown, and Princeton, removed all the British troops from them, and quietly returned to New Brunswick. Washington found that there would be too much risk in attacking New Brunswick immediately after Princeton, so he passed on northward into the heart of New Jersey, and took up a strong position at Morristown Heights, west of New York, and half-way between New York and the Delaware. Putnam came from Philadelphia with a few troops and occupied Princeton, and Heath had a few more on the Hudson. In other words, Washington, with scarcely 10,000 men, made a line of cantonments through New Jersey and held it without opposition from Howe's 28,000 all that winter and the following spring until June, 1777.

He was constantly picking off stragglers from the British posts at New Brunswick and Amboy, and, as Galloway remarked, killed more regulars in that way than Howe would have lost by surrounding and defeating or starving him out at Morristown. In March Washington's force had sunk to less than 3000 effectives, and yet he remained undisturbed by the vast force in New York.*

* Bancroft, "History of the United States," edition of 1886, vol. v. p. 148.

Washington had taken Howe's measure. For the rest of the British general's year and a half in America, the patriot general, no matter how low his force dwindled, always remained encamped within a few miles of the vast host of his Whig antagonist undisturbed and unpursued. There was no need of retreating among the Indians and the buffalo of the West.

When we think of the measures of relentless severity and slaughter, the persistent and steady hunting down of the men, the concentration camps for the gradual destruction of the women and children, which we have known England use in our time to destroy all hope of independence, the extraordinary conduct of Howe is difficult to explain except by the method which his loyalist critics adopted.

That was a marvellous winter in New York with a gorgeously caparisoned army far outnumbering the population of the town, and crowding the poor, devoted loyalists out of their houses. Judge Jones was there, and he has left us a graphic and indignant description of what happened in this and the following year.

The commissaries, quartermasters, barrack-masters, engineers, and their assistants and followers, were making prodigious fortunes by the most wholesale fraud. The loyalists about New York had supplied the invading army with horses and wagons in the campaign of 1776, and were cheated out of their payment. In the campaign of 1777 they again supplied the horses and wagons, and were again defrauded. The quartermaster, Judge Jones says, netted for himself £150,000 out of that campaign and retired to England a rich man. His successor made another fortune. During the seven years of the war, four quartermasters in succession returned with fortunes varying from £150,000 to £200,000. These were enormous sums in those times,

fully the equivalent of three million dollars in our own day. The fifth quartermaster was stopped half-way on his road to a fortune by the arrival of Sir Guy Carleton to take command in 1782.

Howe's favorite engineer received for merely levelling the rebel fortifications about New York a fortune, with which he retired and bought a town house and a country-seat. His successor was given greater opportunities. The barrack-masters seized private houses, public buildings, and churches, for which, of course, they paid nothing, and rented them to the army. They cut down the oak and hickory forests all round New York and for sixty miles along the Sound, selling two-thirds of a cord to the army at the price of a cord, sixteen to twenty-eight shillings, and selling the fraudulently reserved third to the loyalists at £4 and £5 for two-thirds of a cord. Like the quartermasters and engineers, they too became nabobs of the West. And then there were commissaries of forage, commissaries of cattle, and commissaries of artillery, not to mention the commissaries of prisoners, together with all their dependents, male and female, who enjoyed a perfect carnival of plunder and wealth.*

*Jones, "New York in the Revolution," vol. i. chap. xvi.; "Thoughts on the Present War," etc., p. 51, 1788; Stedman, "American War," vol. i. p. 311, London, 1794; Stevens, "Fac-similes of MSS.," vol. vii. p. 707.

XXI

THE BATTLE OF BRANDYWINE

THE necessity Howe felt of going through the form of a little fighting before autumn caused a break in the gayeties in New York. The important strategic line up the Hudson to Canada had now for some time been controlled at both ends by the British. The ministry decided to control the whole length of it during this summer of 1777, and to that end had arranged that a force coming down from Canada should meet at Albany a force from Howe coming up from New York.

As the plan was worked out, two expeditions were to come from Canada; one under Burgoyne was to come straight down by way of Lake Champlain, and a smaller force under St. Leger was to go up the St. Lawrence to Lake Ontario as far as Oswego, capture Fort Stanwix, and sweep down the Mohawk Valley to reinforce Burgoyne at Albany. New York at that time was settled only along the lines of the Hudson and Mohawk Valleys, so that these two expeditions, reinforced by Howe from below, would be a complete conquest of New York. The plan also included an attack upon the coast of New England to prevent the militia and minute-men of that part of the country from being massed against Burgoyne as he came down from Canada.

Howe had full information as to this plan, professed to approve of it, and, in his letter to the colonial secretary of October 9, 1775, spoke of it as "the primary object." It was obviously necessary and vital that he should play his part in it with vigor, or there would be a woful disaster to

the British arms and great encouragement to the rebellion, as well as encouragement to France to ally herself with the rebels. In a letter to the ministry of November 30, 1776, he shows how he will carry out his part of the plans by sending 10,000 men to attack New England, 10,000 to go up the Hudson to Albany, and 8000 to make a diversion towards Philadelphia.* This plan he gradually changed until nothing of it was left but the movement to Philadelphia. His reason for this change was that the ministry would not send him the reinforcements for which he asked. But this was hardly a sufficient excuse for refusing to send any assistance to Burgoyne. On April 5, 1777, he wrote to Carleton in Canada that he would not assist Burgoyne, because it would be inconsistent with other operations on which he had determined; that he would be in Pennsylvania when Burgoyne was advancing on Albany, and Burgoyne must take care of himself as best he could.†

A copy of this letter to Carleton was sent by Howe to the ministry, and about a month afterwards the ministry sent to Carleton instructions for sending Burgoyne to Albany, and directed that Burgoyne and St. Leger should communicate with Howe and receive instructions from him; that until they received instructions from him they should act as exigencies might require; "but that in so doing they must never lose sight of their intended junction with Sir William Howe as their principal object." ‡

A copy of these instructions from the ministry to Carleton was sent to Howe for his guidance, and received by him July 5, so that as commander-in-chief with discretionary power he was made aware of the whole situation, knew the wishes and plans of the ministry, and on him was placed

* Parliamentary Register, House of Commons, 1779, vol. xi. pp. 261, 362.

† Ibid., p. 389. ‡ Ibid., p. 404.

the responsibility of effecting or not effecting a junction with Burgoyne.*

In accordance with the instructions from the ministry, Burgoyne before starting from England wrote to Howe, wrote to him again from Quebec, and again on July 2, when on his way down Lake Champlain, informing him of the nature of his expedition, that he was under orders to effect a junction, and that he expected support from the South. The letter of July 2 Howe received July 15.†

In order that discretionary power and responsibility might be entirely cast upon Howe, Lord George Germain wrote to him, May 18, saying that the copy of Howe's letter to Carleton changing the plan of a junction with Burgoyne had been received, and adding:

"As you must, from your situation and military skill, be a competent judge of the propriety of every plan, his Majesty does not hesitate to approve the alterations which you propose; trusting, however, that whatever you may meditate, it will be executed in time for you to co-operate with the army ordered to proceed from Canada, and put itself under your command."—Parliamentary Register, House of Commons, p. 416.

This letter was received by Howe August 16, and on August 30 he replied to it, saying that he would not be able to co-operate with Burgoyne.‡ The correspondence was now closed; and this brief review of it may be of assistance in understanding the events which are to be related.

Carleton was much disappointed in not receiving command of the invasion from Canada, and asked to be recalled. But he was retained in Canada, which he had so

* Parliamentary Register, House of Commons, 1779, vol. xi. pp. 405, 407.

† Cobbett, "Parliamentary History," vol. xx. pp. 786, 788, 798; Parliamentary Register, House of Commons, 1779, vol. xiii. pp. 92, 93, 127–129.

‡ Parliamentary Register, House of Commons, p. 418.

successfully defended, and directed to send out Burgoyne and St. Leger. On the 17th of June Burgoyne started and began to fight his way down the rivers and lakes towards Albany. For some days before that time Howe had begun to manœuvre about New York in a way to make it appear uncertain what he would do. At first it seemed as if he intended to march 18,000 of his men straight through New Jersey to Philadelphia. He had them carried across the Hudson, and they were provided with boats and rafts apparently for the purpose of crossing the Delaware. Washington immediately placed himself in a position about ten miles from New Brunswick and close to what was, apparently, Howe's intended line of march.

Washington had about 6000 men, with 2000 more at Princeton, but Howe with 18,000 never attempted to attack or capture the 6000 patriots, although they were there almost alongside of him for over two weeks while he manœuvred about, leaving his boats at New Brunswick and marching as if to go to the Delaware without them, and then coming back again. He could surely have defeated the 6000 patriots at this time as easily as he defeated 11,000 three months later at Brandywine. If they were in a strong position in the hills, their numbers were so small that he could have gone behind them or surrounded them.* His explanation in his defence before Parliament was that he was trying to bring Washington to a general engagement. But he must have known that to do that he must attack Washington as he had done at Long Island, and as he did three months afterwards at Brandywine. Washington, with 6000 men, was surely not going to be foolish enough to attack Howe, with 18,000. Nor could Washington's

* Galloway, "Letter to a Nobleman," etc., p. 62; "Remarks on General Burgoyne's State of the Expedition from Canada," p. 39, London, 1780; Stedman, "American War," p. 288.

6000 prevent Howe's 18,000 from going to Philadelphia; and many believed that Howe now had his best opportunity of forcing his way up the Hudson to meet Burgoyne.

After this two weeks' fooling in New Jersey Howe, on the last day of June, withdrew his army from that province and began putting it on board the transports. Then his manœuvres began to indicate that he was going up the Hudson or round into Long Island Sound to New England. Washington was sure he must intend to assist Burgoyne. It seemed impossible to think otherwise; impossible to suppose that his uncertain movements were anything but feints to cover his real design of effectually co-operating with the army from Canada. But finally, after all his manœuvring, Howe took his force out to sea. Clinton was left in command of New York with the rest of the British army, consisting of about six thousand, a force utterly inadequate to hold New York and at the same time co-operate with Burgoyne and St. Leger.

Just before sailing from New York Howe sent a letter to Burgoyne which he carefully arranged should fall into the hands of Washington, for he gave it to be carried by a patriot prisoner whom he released and paid a handsome sum of money, as if he really believed that such a person would prove a faithful messenger. In this letter he said that he was making a feint at sea to the southward, but that his real intention was to sail to Boston, and from there assist Burgoyne at Albany.*

This letter was itself a feint; Howe's ships disappeared in the hot July haze that overhung the ocean, and for a week nothing more was heard of him. A Connecticut newspaper printed an advertisement offering a reward for a lost general.

* Irving, "Washington," vol. iii. chap. xi.; Marshall, "Washington," vol. iii. chap. iii.

Washington, who had separated his army into divisions for a rapid movement, now brought his force together at Coryell's Ferry, on the Delaware above Trenton, prepared to move quickly either to the Hudson or to Philadelphia. He could not quite believe that Howe intended to abandon Burgoyne. But on the 30th of July the people living at Cape Henlopen, at the entrance of the Delaware Bay, saw the ocean covered with the vast fleet of two hundred and fifty transports and men-of-war; a beautiful but alarming sight as they sailed over that summer sea and anchored in the bay.

Washington now hurried his army to Philadelphia, and camped north of the town, near the Falls of the Schuylkill, on the line of what we have since known as Queen Lane, which runs into Germantown. This was the first appearance of the rebel army in mass at Philadelphia. Their sanitary arrangements, as Stewart's Orderly Book tells us, were particularly unfortunate on this occasion, and in that hot August weather a most horrible stench arose all round their camp.*

But within a day or two Howe sailed out of Delaware Bay. He decided, as he and his officers afterwards explained, that it was impracticable to go up the river to Philadelphia, because that city was defended by obstructions in the water, and the shores below were inconvenient for landing an army. Again he disappeared beyond the horizon, heading eastward, as if returning to New York with the intention of seizing the Highland passes on the Hudson and assisting Burgoyne by a sudden stroke.

Washington was now completely puzzled. Unwilling to march his army in the torrid heat, he held it in the unsavory camp at Queen Lane until reflection and increasing anxiety compelled him to move again towards the Hudson.

* Pennsylvania Magazine of History, vol. xxii. p. 308.

But he had not gone far when he was stopped by messengers. The people who lived by fishing and shooting wild fowl at Sinepuxent Inlet, below Cape Henlopen, had caught a glimpse one day of a vast forest of masts moving slowly to the southward. But quickly, as if conscious that they could be seen from the land, the masts disappeared again.

This was stranger than ever; and Washington thought that Howe might be making for Charleston, either to occupy it or to lead the patriot army into a long march in a hot and unhealthy climate, and, having enticed them there, return quickly in his ships to any part of the middle or northern colonies, and easily and effectually co-operate with Burgoyne and St. Leger.

But it was not Charleston's turn. Howe's progress was now very slow, for he was beating against head-winds. At last he was reported sailing up Chesapeake Bay, and then all was clear. He landed at the head of the bay, at the mouth of the Elk River, and from there in September marched on Philadelphia as a comfortable place in which to settle for the winter. In order to place himself beyond the possibility of assisting Burgoyne, he had made a circuitous voyage of three hundred miles, which became a thousand, beating against the head-winds, and a march of fifty miles by land, to reach a place from which he was less than one hundred miles by land when he started.*

* The dates and time consumed in this extraordinary movement are worth observing. Howe embarked his troops at New York July 5, and kept them on the transports in the sweltering heat until July 23, when he sailed. He reached the entrance of Delaware Bay on the 30th. From then until the 23d of August he was beating down the coast and up Chesapeake Bay. He marched from the head of the Chesapeake Bay September 8. In August, when he was as far away as possible from Lake Champlain, St. Leger and Burgoyne were meeting with their first reverses Burgoyne lost the battle of Bennington, August 16, and a few days afterwards St. Leger was completely defeated. Burgoyne surrendered October 17.

When it was known that Howe was about to land at the head of the Chesapeake, Washington hurried across the country to get in front of him. On this march he paraded a large part of his force through Philadelphia, coming down Front Street and marching out Chestnut Street and across the Schuylkill. He wished to encourage the patriots in the town by this display, and, as the loyalists had been saying that there was no patriot army, he would in this way impress its size upon them.

The greatest pains were taken with this parade. Earnest appeals were made to the troops to keep in step and avoid straggling. The axemen or pioneers headed the procession, and the divisions were well spread out, with fifes and drums between them rattling away at marching tunes. To give some uniformity to the motley hunting-shirts, bare feet, and rags, every man wore a green sprig in his hat. The best-clothed men were the Virginians, and the smartest-looking troops were Smallwood's Marylanders.

But they all looked like fighting men as they marched by to destroy Howe's prospects of a winter in Philadelphia. With the policy Howe was consistently pursuing, it might have been just as well to offer no obstacle to his taking Philadelphia. He merely intended to pass the winter there as he had done in Boston and in New York. But for the credit of the patriot cause and his own reputation, Washington had to do all in his power to stop him. It would not do to hang on his rear and flanks and annoy him in guerilla fashion. He must fight a pitched battle, and such a battle Washington must necessarily lose, for he had only eleven thousand badly equipped troops with which to oppose Howe's eighteen thousand regulars.*

* Bancroft estimates Howe's force at over twenty thousand without counting the engineer corps.—"History of the United States," edition of 1886, vol. v. p. 175.

The battle of the Brandywine, stripped of its details, is a very simple affair. Washington placed himself directly across Howe's front, along the shore of the Brandywine at Chadd's Ford, with that river between him and his enemy. No one has ever doubted that this was the best and all that he could do. It is an elementary principle that an inferior force, placed in a strong position like this, with a river in front of it, and acting on the defensive, can resist the attack of a much superior force, if the superior force is content to attack in front. It is also equally elementary that the best policy for the superior force is not to confine itself to a front attack, but to use its greater numbers in flanking.

Howe fought only two battles of his own in this war, Long Island and Brandywine, both of which were absolutely necessary to enable him to get into towns for the winter; and he fought them both by flanking. He would probably have fought Bunker Hill in the same way if he had been allowed to use his own judgment. Knowing thoroughly the composition of the rebel army, the inadequacy of its staff, and its inability to obtain quick and sure information on the field, the flank movement was for him both obvious and easy.

At Brandywine he sent Knyphausen to make a violent attack on Washington's front, while under cover of the early morning fog he and Cornwallis took the rest of the army far up the Brandywine, crossed it, and came down with irresistible force upon Washington's right.

A young man of the neighborhood who wandered among the British troops, as non-combatants, whether patriots or loyalists, were allowed to do, has left a brief but rather interesting account of what he saw. He described Howe and Cornwallis as very large, heavy men, mounted on horses exhausted by the long sea-voyage. He watched the troops piling their blankets and knapsacks in the fields

when preparing to fight, and he noticed their fresh-looking, smooth faces in strong contrast to the sunburnt Americans to whom he was accustomed. The subordinate officers he described as short, portly men, with very delicate white skins.*

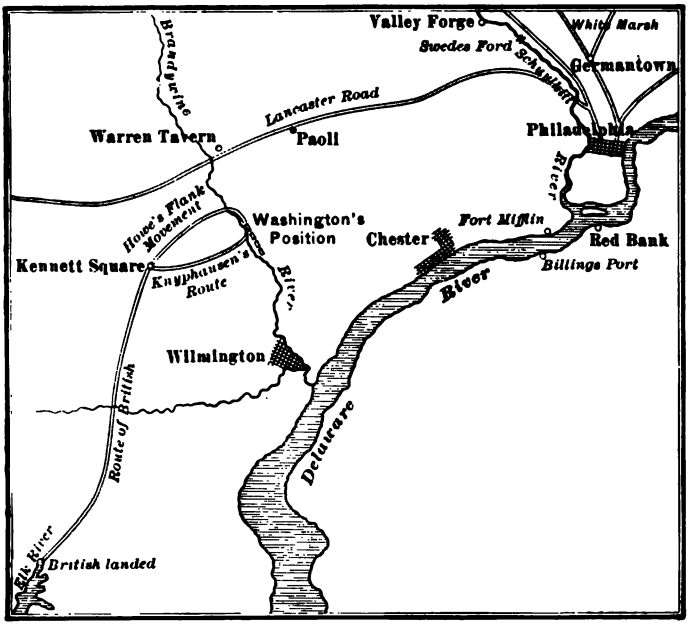
Washington heard a vague rumor of this flanking, and was preparing to make what is often the counter-stroke to such a flank movement. He intended to lead his whole force in person across the river and crush Knyphausen, who was in front of him. He would then have been in the position of having divided Howe's army in half, defeated one division of it, and placed the river between himself and the other division. By a similar counter-stroke, Napoleon, when his right flank was being turned, brought victory out of defeat at Austerlitz.

But presently the report of Howe's flanking movement was denied. Washington abandoned his counter-stroke, and learned the truth of the flanking movement too late. His army was so wretchedly organized, especially in means of rapid communication with itself, that it could not do justice to its own fighting qualities. Washington could now only resist stubbornly, and retreat in good order, and Howe, of course, did not pursue.

Military critics like Du Portail and other French officers were all agreed that Howe now had a good opportunity of exterminating the rebel army. He could have crowded them into the triangle formed by the Delaware and Schuylkill Rivers. But he would not do it. He followed most precisely and consistently the line of conduct which he seems to have laid down for himself from the beginning. †

* Bulletin Pennsylvania Historical Society, vol. v. p. 23.

† "Howe," as Galloway said, "always succeeded in every attack he thought proper to make, as far as he chose to succeed." See, also, Stedman, "American War," vol. i. pp. 293, 294.



MAP OF THE BATTLE OF THE BRANDYWINE

If he had pursued Washington and inflicted a crushing defeat he might have left part of his force to occupy Philadelphia and then marched rapidly to Burgoyne. This was what the ministry expected when they heard of the Philadelphia expedition, and it would have made that expedition an intelligent movement.* They also expected that Howe would have at least sent a force into New England to prevent the militia of that region being massed against Burgoyne. As he had neglected to do this, and neglected to leave a sufficient force with Clinton to assist Burgoyne, it was to little purpose that he argued that he had sufficiently assisted Burgoyne by withdrawing Washington's army to Philadelphia.

As Washington had at most only 11,000, and Howe 18,000, and later 20,000, it was rather Washington drawing away Howe's army. The 20,000 were ill used in drawing away 11,000, when they left Clinton so weak that he could not assist Burgoyne, and when none were spared from them to make a diversion on the New England coast. As General Robertson aptly put it, in his testimony before the committee of inquiry, the movement of Howe to Philadelphia was a diversion, but a more powerful diversion in favor of Burgoyne would have been to go straight up the Hudson to his assistance.

Howe's excuse that it would have been impossible for him to reach Burgoyne with Washington's force blocking the way on the Hudson at the Highland passes also seems inadequate in view of Clinton's success at those passes with a very small force. The combined force of Clinton and Howe could surely have as well occupied the attention of Washington's army on the Hudson as at Philadelphia, could in all probability have forced their way through, and

* "Remarks on General Burgoyne's State of the Expedition from Canada," p. 37, London, 1780.

could have detached a considerable force for the vital service of an attack on New England. Howe's explanations are rendered more than doubtful when we find that he would not make the slightest diversion on the New England coast to prevent the movement of the militia of that region which finally defeated Burgoyne. The ministry had repeatedly told him of the importance of this, and he could easily have spared five thousand men for the purpose.

Washington, after his defeat at Brandywine, retreated with most of his army to Chester on the Delaware. There seems to have been some scattering among his men, although it cannot be said that his army was demoralized. His wounded were sent to Chester and various places. Among the wounded, young Lafayette, with a ball in his leg, was carried to Bethlehem, to be cared for by the Moravians.

The next day Washington took most of his army up the Delaware towards the Schuylkill. Howe now had him forced into the angle of the two rivers, and could have compelled his surrender or destruction. But Washington passed on unmolested, crossed the Schuylkill, and encamped in Germantown between the two rivers.

Having declined to destroy Washington's army when he had it in his power, it was now somewhat difficult for Howe to cross the Schuylkill and enter Philadelphia. The floating bridges were all taken away, and the steep banks of the river made crossing doubly difficult so long as Washington was at large and might attack the first small force that got across the stream.

The desire of the British army to get into Philadelphia and of Washington to prevent it kept up for two weeks a contest of wits between Washington and Howe. Howe was determined to do no more fighting if he could help

it. He appeared to be in no hurry, and remained camped near the battle-field of the Brandywine. Wayne's scouts who watched him reported that his men were quietly resting, cooking, and washing their clothes.

Stung by his defeat and seeing the laxity of Howe, Washington was impatient to try another issue. He soon crossed the Schuylkill to the same side with Howe, and marched twenty miles until he found the British a little west of Paoli at the Warren Tavern. There the two armies confronted each other, apparently ready for battle.

But there was no battle. The extraordinary spectacle was presented of a small defeated army returning to the victor and standing in front of him, daring him to fight. It was the situation at White Plains over again. After defeating the patriots at Long Island, Howe had refused to follow up the advantage and refused to fight at White Plains, so he now refused to fight at Warren Tavern. His excuse was that rain began falling, which continued for twenty-four hours. As Washington could not very well assume the offensive against a force which was double the size of his own, he marched back through the rain, which dampened his powder and seriously distressed his half-naked, barefooted men, and having reached the Schuylkill, he crossed it to the eastern side.

While this movement was in progress some of the British under General Grey on the night of September 20, guided by loyalists, surprised Wayne, who had been left to watch the British and was encamped with about fifteen hundred men near the Paoli Inn. Grey, whose only distinction in the war was in prisoner-killing, had recently arrived in America. He compelled his men to draw the loads from their muskets and take out the flints, a method which at that time was very effective for a night attack. Wayne and most of his men escaped, but Grey committed

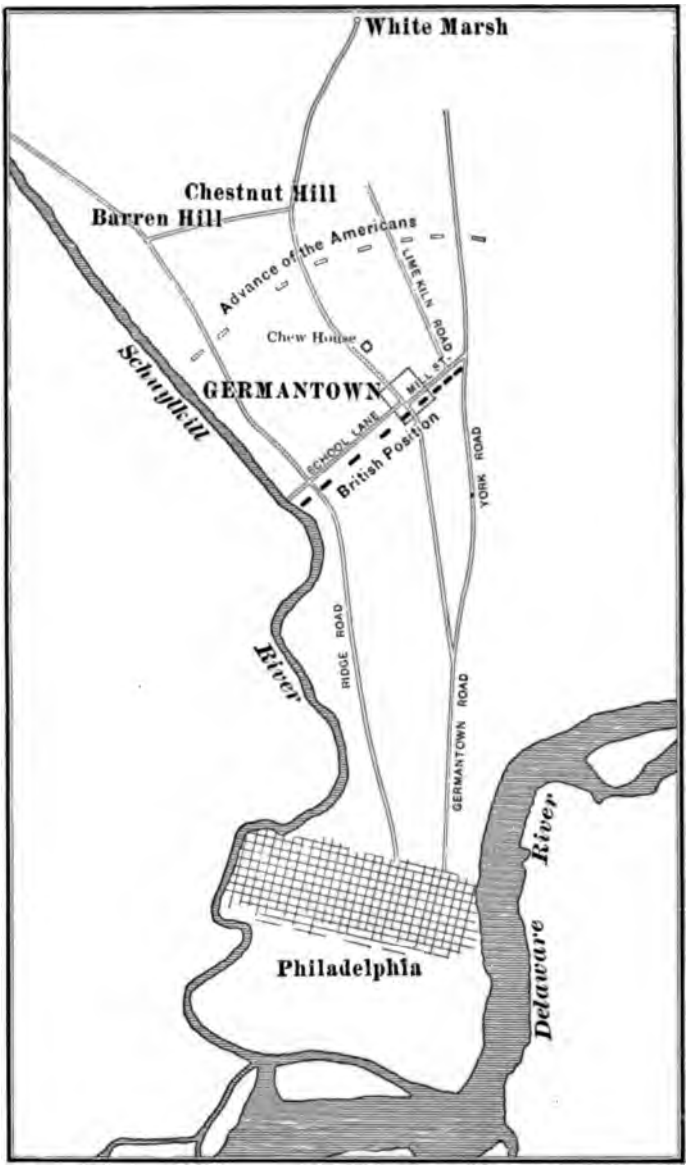
most ruthless slaughter with sword and bayonet on the remainder, killing and wounding three hundred of them. It was generally regarded as an excessive massacre, which amounted to prisoner-killing, and the commander was ever afterwards known among the patriots as "No-Flint Grey." *

Soon after this Howe followed Washington to the Schuylkill and marched up the shore, with Washington following on the opposite side, keeping even pace with him, when, by a sudden backward movement, Howe slipped a sufficient force over one of the fords to protect his crossing, and almost before Washington was aware of it the whole British army was across. It was a neat, clever piece of work, conforming with the utmost preciseness to the general plan of Howe's conduct in America. Washington's explanation was, that all the people in that part of the country were loyalists and he could obtain no information of Howe's backward movement. It was also at this time that he reported a thousand of his men marching barefooted. †

Philadelphia was lost to the patriots. Part of the British army, under Cornwallis, marched into it September 26 in grand display, the bands playing and the Hessians with their moustaches upturned and scowling in the most terrible manner. At Germantown, directly north of Philadelphia, Howe formed a strong outpost, under his own command, covering some of the roads that led to the city, until he could protect the city by fortifications on its northern side. As this outpost was isolated seven miles away from the rest of the army, somewhat in the same way that the outpost had been placed at Trenton, Wash-

* Pennsylvania Magazine of History and Biography, vol. i. p. 285.

† Irving, "Life of Washington," vol. iii. chap. xix.; Baker, "Itinerary of Washington," p. 92.



MAP OF THE BATTLE OF GERMANTOWN

[redacted]

ington attacked it with most of his army early in the morning of October 4.

But he was less fortunate than at Trenton. The outpost was too strong, and, with its centre at Market Square in Germantown, was spread out for three or four miles at right angles to the roads that led to Philadelphia. Washington, in attacking, had to spread out his troops almost as widely, and the old difficulty—lack of a proper staff and quick communication on the field—spoiled his opportunity. He lost about a thousand men in killed, wounded, and prisoners, and returned unsuccessful. But he struck so hard and courageously that he raised the reputation of the patriot cause among all its friends.*

The loyalists were in despair at the spectacle of himself that Howe was making. But Howe, with the utmost good humor, proceeded to settle himself and his official family most comfortably in Philadelphia; and Galloway was made superintendent of police of the town. Howe's force of 18,000 was soon increased to 20,000. As in New York, they surrounded themselves with gayety of every kind,—cricket, theatricals, cock-fights, balls, music, and the wit, clever verses, and sketches of André. Just as they had begun to settle down in this pleasant way, on October 17, about two weeks after the battle of Germantown, poor Tory Burgoyne surrendered at Saratoga.

On October 22 Howe wrote to Germain, saying that he had heard a rebel rumor of Burgoyne's surrender, but did not believe it. He is greatly surprised, he says, to hear that Burgoyne had complained of the failure to cooperate with him. He thought that it was distinctly understood through his letters to Carleton and to the ministry that "no direct assistance could be given by the Southern

* Pennsylvania Magazine of History and Biography, vol. i. p. 368; vol. ii. p. 112; vol. xvi. p. 197.

army." He then adds that so little attention has been given to his recommendations that he would like to be recalled and allowed to resign from "this very painful service, wherein I have not the good fortune to enjoy the necessary confidence and support of my superiors.*

As his resignation was not accepted for many months, he remained in Philadelphia, which he completely protected from attack on the north by redoubts, stretching from the Delaware to the Schuylkill, along the present lines of Green and Poplar Streets. On all other sides Philadelphia was protected by the two rivers which came together somewhat like the letter V.

The patriots still held the forts below the city,—Red Bank, Mifflin, and Billingsport. These were reduced by combined action of the army and Admiral Howe's fleet, which had now come up the river. The forts were defended heroically, and there were few battles of the Revolution in which there was such desperate, furious fighting. † It was the only fighting done by Admiral Howe during his command; and the Hessians, as usual, bore the brunt of it. They were always clamoring for distinction and the honors of war, and Howe was entirely willing to gratify them.

The river being now opened and free to the British, there was nothing more for the army to do except to live comfortably inside the redoubts. One expedition was made by Howe before winter began. He took a force out to White Marsh, took a look at Washington's army without attacking it, and came back again. In the following May he made a similar expedition to capture Lafayette's force at Barren Hill, and came back equally unsuccessful.

* Parliamentary Register, House of Commons, 1779, vol. xi. p. 487.

† "Pennsylvania: Colony and Commonwealth," pp. 347–356.

ENGLISH CARICATURE OF 1777 ON THE FLIGHT OF THE CONGRESS FROM PHILADELPHIA

The army's peaceful sojourn in the town from September 26, 1777, to June 18, 1778, was a source of great enjoyment and an unrivalled opportunity for social advancement to the loyalists. It was the harvest of their lives. Even a wicked rebellion could have advantages. One of the loyalist ladies has left some enthusiastic and rather good verses on the delights of that winter.*

It was a strange scene in the good old Quaker town with the rebel prisoners eating rats in the Walnut Street jail, while the commissary of prisoners grew rich, and extravagance, speculation, gambling, and European indifference to morals filled the respectable, plain brick houses. A Hessian officer held the bank at the game of faro and made a considerable fortune by ruining young Englishmen, many of whom were obliged to sell their commissions and go home penniless. The officers made no attempt to keep their mistresses in the background. One of them drove in her car-

* "O halcyon days, forever dear,
When all were happy, all were gay;
When winter did like spring appear,
And January fair as May!

"Then laughing Sol went gayly down,
Still brighter in the morn to rise,
And fondly waking o'er the town,
On Britain's ensign beamed his eyes.

"Then all confessed the valiant knight
Had learnt in camps the art to please.
Respectful, witty, yet polite;
Uniting fancy, grace, and ease.

"Still danced the frolic hours away,
While heart and feet alike were light.
Still hope announced each smiling day,
And mirth and music crowned each night." †

† De Lancey's note to Jones, "New York in the Revolution," vol. i. p. 717.

riage with footmen up and down lines at a review of the troops, dressed in a costume that was a feminine imitation of the uniform of her paramour's regiment.*

Howe's plan, as Lord Chatham said in Parliament, was merely to occupy stations. Washington followed the same plan he had found to work well enough the previous winter which Howe spent in New York. He fortified himself with intrenchments on some high ground at Valley Forge, about twenty miles away, very much in the same way that during the last winter he had occupied Morristown Heights, He could there play the long waiting game with Howe as well as anywhere else. Howe could have attacked him at almost any time at Valley Forge and destroyed or captured his starving army. Howe had 20,000 men. Washington had 9000, counting the sick, starved, and half-naked, and by March 3000 had deserted to the British, and so many others were sick or at home that there were only 4000 men at Valley Forge.

If Howe had wished to avoid the loss of a direct attack, even on so few, he could have easily surrounded Valley Forge and taken them all by siege without any loss to speak of, for there were often not enough supplies among them to keep them alive, even on starvation rations, for more than four days, or a week at the utmost.† They deserted in tens and fifties, appearing in Philadelphia half-naked, barefooted, a tattered blanket strapped to their waists; and their first thought was to sell their guns to buy food.

Howe obtained most of his supplies by his ships, which was the usual method of the British throughout the war. He kept the river open and certain roads out into the

* Sargent, "Life of André," p. 145; Stedman, "American War," vol. i. p. 309, London, 1794.

† Stedman, "American War," pp. 308, 310, London, 1794; Bancroft, "History of the United States," edition of 1886, vol. v. p. 217; Parliamentary Register, House of Commons, 1779, vol. xi. p. 465.

country for the loyalists to bring in the produce of farms and gardens. It was by robbing this produce on its way to Howe that the patriots at Valley Forge received a large part of their scanty subsistence.*

They had a force organized for this purpose and scouting between the Delaware and Schuylkill Rivers under the command of Allan McLane, a rough-rider and freebooter of the most gallant type. He made dashes up to the very line of redoubts which stretched from river to river along the line of Green and Poplar Streets. His men, who seized provisions intended for the British, were known as market stoppers. They were very apt to be captured in their daring work, and were then paraded by the British through the streets, with the vegetables strung around their necks and market-baskets on their arms, before being jailed or publicly whipped and turned adrift. In retaliation, the patriots would often whip loyalist marketmen, brand them in the hand with the British army letters G. R., and send them into the British lines.

People who had favored the patriot cause were still continually dropping out of it. Many of them became altogether hopeless soon after the battle of the Brandywine.

* Sargent, "Life of André," pp. 143, 144, 159; Cobbett, "Parliamentary History," vol. xx. p. 346; Parliamentary Register, House of Commons, 1770, vol. xiii. pp. 430, 431, 435, 436.

When spring came some of the loyalists wrote verses to inspire Howe with activity:

"Awake, arouse, Sir Billy,
There's forage in the plain;
Ah, leave your little filly
And open the campaign;
Heed not a woman's prattle
Which tickles in the ear,
But give the word for battle
And grasp the warlike spear." †

The mention of forage in the second line refers to Howe's perpetual excuse that he could not go much outside of Philadelphia or New York for fear of having no food for his horses.

† Jones, "New York in the Revolution," vol. i. p. 716.

The disasters and the imbecility of the attempt at independence seemed to them too absurd to be longer endured. A typical specimen of these was the Rev. Jacob Duché, a brilliant young clergyman of the Church of England, settled in Philadelphia, who had at first taken sides with the patriots and gained prominence by opening the session of the Congress with a very eloquent prayer.

Disgusted with the hopelessness of the rebellion, the petty peculation and frauds in the rebel army, the deterioration in character of its officers and of the members of the undignified wandering rebel Congress, and similar things which make a deep impression on men of a certain kind of education and refinement, he felt compelled to write a long letter to Washington, imploring him in the name of God and humanity to put an end to the absurd contest for independence, and at the head of his army negotiate some sort of compromise with England.*

The letter was widely circulated, and is well worth reading, as showing the conditions of the time. One of Duché's arguments was that the long time which had elapsed without active aid from France proved that it could not be obtained. He seemed unable to appreciate the effect of Howe's plan of leaving Burgoyne to his fate.

An attempt has sometimes been made to save the trouble of investigating the evidence and to explain Howe's conduct in a few words by telling a rather curious story about certain peremptory and positive written orders to co-operate with Burgoyne which had been prepared by the ministry but accidentally forgotten by Germain and not sent to Howe from England. In his speech before the committee of inquiry, afterwards published as his "Narrative," Howe said that no "explicit instructions" had been sent to him,

* See Graydon, "Memoirs," edition of 1846, pp. 283, 284, and appendix.

THE REV. DR. JACOB DUCHÉ, A HESITATING PATRIOT WHO BECAME A LOYALIST

but that he did not rely on this as a defence. He preferred to rest his Philadelphia expedition on its merits as the best military manœuvre that could be made under the circumstances.* He was compelled to take this ground because the ministry, after giving him full information about the expedition from Canada, left him, as they had done all through the war, to act according to his discretion. He knew all about the Burgoyne plan, and had the responsibility of deciding whether to support it or not. He knew without peremptory orders the importance and necessity of such a junction, as did also his officers, the rebels, and everybody at that time. Sir Henry Clinton, in his manuscript notes to Stedman's "American War," says, "I owe it to truth to say there was not, I believe, a man in the army, except Lord Cornwallis and General Grant, who did not reprobate the move to the southward and see the necessity of a co-operation with General Burgoyne." The patriots believed that such a junction would seal their fate. "Nothing under heaven can save us," wrote Trumbull, "but the enemy's going to the southward." †

Still another attempt at a short and easy explanation has been made by assigning to that adventurer, General Charles Lee, the responsibility for Howe's movement to Philadelphia. While a prisoner in New York he was

* "Narrative," pp. 18, 20. The omission to send peremptory orders to Howe was not as accidental as has been supposed. General Robertson testified before the committee of inquiry that he had urged upon Germain the importance of not crippling Howe's movements by positive instructions, and that Germain had acted on this advice, and had left Howe to act on his own discretion.—Parliamentary Register, House of Commons, 1779, vol. xiii. pp. 305, 328.

† Life of Peter Van Schaack, pp. 173–178; Clinton's MS. notes to Stedman's "American War," p. 289; De Lancey's note to Jones, "New York in the Revolution," vol. i. p. 697; Galloway, "Reply to Observations of Sir W. Howe;" "Remarks on General Burgoyne's State of the Expedition from Canada," London, 1780.

well treated by Howe, who possibly may have been amused by his gossip and affectation. Lee, who was in some danger of being hanged, offered, it seems, to help the British conquer the Americans, and drew up a plan of campaign for Howe, recommending a movement to the southward.* This plan, dated March 29, 1777, was found among Howe's papers, or the papers of his private secretary, many years after the Revolution. In an essay read before the New York Historical Society in 1858 the plan and its influence upon Howe are represented as causing his failure to co-operate with Burgoyne; and at least one historian has adopted this suggestion as a full explanation of Howe's conduct.†

It would seem, however, that inasmuch as General Cornwallis and General Grant favored the movement to Philadelphia, it would be better accounted for by their influence rather than by the influence of a most contemptible character, who was a prisoner, afraid of being hung for treason. Moreover, Howe had formed the plan of going to Philadelphia early in the winter, before Christmas, and many months before the date of the plan.

We also find, when we read the plan, that it does not recommend the move to Philadelphia which Howe made. It recommends the occupation of the well-known strategic position of the Chesapeake, seizing Alexandria in Virginia and Annapolis in Maryland, and, as an accompaniment to this position, the occupation of Philadelphia.

Howe knew all about this without any suggestions from Lee that such a movement into territory full of loyalists would end the rebellion and make an expedition to the

* At the same time he offered to disclose to Congress the coming summer's campaign of the British.—Boudinot's "Journal," p. 74, 1894. And yet it was upon Lee that the Congress relied for the chief command in case of mishap to Washington.—Bancroft, "History of the United States," edition of 1886, vol. v. p. 62.

† "The Treason of Charles Lee," by George H. Moore, 1860.

north unnecessary. The Lee plan is an interesting curiosity; but the suggestions of scared prisoners, and even the suggestions of subordinate officers, cannot relieve Howe from the responsibility of having reasons of his own for all he did.

As it has been so difficult to find good military reasons for his conduct, and as it has been deemed inadvisable to disclose the political reasons given by Galloway and the loyalists, and the evidence that was before the committee of inquiry, the historians have strained hard to invent other explanations, and the boldest one of all has been adopted by Bancroft, who assigns General Carleton as the cause of all the trouble. Carleton, he says, originated the expedition from Canada. He was ambitious to come down from Canada into the rebellious colonies and take the supreme command. Howe refused to assist the expedition from Canada because it might be commanded by Carleton, who, when he arrived in New York, would outrank Howe and supersede him. The discovery or suspicion of this design on the part of Carleton, Bancroft assures us, led Howe to announce to Germain and Carleton that he would not assist the northern movement down Lake Champlain.* Bancroft gives no proof of this supposition; but the reader has now all the explanations and their sources before him, and can test them for himself.

* Bancroft, "History of the United States," edition of 1886, vol. v. p. 147.

XXII

THE BATTLE OF SARATOGA AND ITS RESULTS

GENERAL CLINTON, who had been left with a small force in New York, started up the Hudson to do what he could for Burgoyne. But as soon as he let Howe know what he was doing, he was discouraged and requested, instead of going up the Hudson, to send part of his force to Philadelphia to help reduce the forts on the Delaware.* Howe would not make an attack of any kind on the coasts of New England to check the movement of the militia of that region against Burgoyne.

Clinton did his utmost. He waited for some seventeen hundred reinforcements that were to arrive, and then started up the Hudson with only two or three thousand men, meeting with some success. He took the Highland forts October 6, with thousands of rebel muskets and vast quantities of ammunition, military tools, and supplies. But he moved slowly, and was too late. Even if he had been able to advance farther up, his little force was hopelessly inadequate to cope with the New England troops that were collecting far to the north of him, near Lake Champlain.

For a time after leaving Canada Burgoyne and his eight thousand men met with good success, drove the Americans before them, took Ticonderoga, and gained a decided victory at Hubbardton. But difficulties increased as they advanced. The greatest efforts were made all over New

* De Lancey's note to Jones, "New York in the Revolution," vol. i. p. 704; Bancroft, "History of the United States," edition of 1886, vol. v p. 195; Parliamentary Register, House of Commons, 1779, vol xiii. pp. 379, 380.

England to collect and send forces that would overwhelm Burgoyne, now that Howe and his 18,000 men had gone to Philadelphia, and Clinton, on account of his small numbers, was helpless in New York. The English appear to have believed that violence and handcuffs were used to force patriots to serve, and that the New England prisons were filled with delinquents.* Washington also sent reinforcements from his little army that was playing around Howe. By this means about 11,000 patriot militia were collected and hurried into the region above Albany, where they inflicted the first check upon Burgoyne at the battle of Bennington.

Bennington was fought on August 16, 1777, while Howe was leisurely sailing up the Chesapeake with his eighteen thousand men. A few days afterwards, while Howe was landing his men at the mouth of the Elk River, Burgoyne heard that St. Leger, who was to have taken Fort Stanwix and then come down the Mohawk with seventeen hundred men, had been disastrously defeated and put to flight by Herkimer, Gansevoort, and Arnold.

Under all the circumstances it might now have been the best course for Burgoyne to retreat back to Canada, but he considered himself under peremptory instructions to proceed and effect a junction with Howe, upon whom he and all his officers and men relied to come and meet them.† But with his force reduced to about 6000, he was soon at the mercy of Gates, who, with 11,000, on October 17, 1777, at the battle of Saratoga, easily compelled a surrender.‡

* "Remarks on General Burgoyne's State of the Expedition from Canada," p. 28, London, 1780.

† Cobbett, "Parliamentary History," vol. xx. pp. 740, 786, 788, 798; Parliamentary Register, House of Commons, 1777, vol. xi. pp. 478, 479, vol. xiii. pp. 92, 93, 164, 174, 176, 253, 266, 267.

‡ Burgoyne started with 9861 men, and surrendered 5791. Some accounts of the battle of Saratoga give Gage the very large army of

By the agreement that was signed, Burgoyne's soldiers were to be paroled and allowed to return to England. But disputes arose as to furnishing lists of the prisoners, and they were held in a camp in Virginia until the close of the war.

It was certainly a most extraordinary event. After over two years of continuous, almost uninterrupted, defeat and disaster, with the rebellion generally believed, even by its own followers, to be on the eve of completely collapsing into mere predatory and bandit warfare, suddenly a whole British army surrenders to a patriot officer of no military reputation whatever. It was the turning point of the Revolution, because although it may possibly be true that Vergennes and the French king intended before long to assist us openly, yet Saratoga was a strong inducement to them to come out plainly and make a treaty of alliance. Fighting was continued for four years more, and even with the assistance of France the patriot cause had so dwindled in 1780 that most people had given up all hope of independence. But looking back upon the contest as a whole, one cannot help feeling that without Saratoga independence might have been defeated and our country turned into an Ireland.

The king of France had hesitated a long time. He wished to cripple England, and yet to assist the American insurgents seemed like wronging the cause of monarchy. But Prussia and Russia encouraged him to do everything

18,624 men. Gage gave this as the number of his force in answer to Burgoyne's inquiry. But it seems to have been intended to spare Burgoyne's feelings; and for the same reason the document prepared and signed was, at Burgoyne's request, called a convention instead of a surrender.—De Lancey's note to Jones, "New York in the Revolution," vol. i. p. 674. See also Parliamentary Register, House of Commons, 1779, vol. xiii. pp. 259, 260, 269; also p. 110, where Burgoyne, under strong provocation in Parliament, asserted that he had surrendered only 2000 men.

to injure England, and when the greatest, the best, and the most far-reaching plan for crushing the rebellion broke down completely by the surrender of a whole army, there was no more need for hesitation. Three months afterwards, in spite of the protests of his most important ministers, except Vergennes, he signed a treaty of alliance with rebels, set the fashion for the aristocracy to run after Franklin and *les insurgents*, took upon himself the task of giving them independence, and changed their condition from absolute hopelessness to what proved in the end to be absolute security. So it came to pass that the greatest advancement, the greatest expansion and development of the ideas of free government, self-government, the rights of man and liberty, that ever was given to the Anglo-Saxon race was given to it by a Frenchman, a Celt, half Bourbon, half Pole.

The Spanish government, under the influence of its minister, Florida Blanca, was at first opposed to giving aid to such extreme republicans as the American insurgents. But gradually, Spain, as a good hater of England and a good friend of the French house of Bourbon, began to supply the patriots with money, sent through France, without the knowledge of the English government, to which government the warmest expressions of regard were given.

Howe was a good Whig; the patriots drank his health; and we should build a monument to him. Nothing like it has ever happened. No other independence-loving minority, or independence-loving majority, has ever escaped by such romantic and fortuitous circumstances from the independence-hating British lion's maw. It was most extraordinary good fortune. The Abbé Correa always used to say that there was a special providence for somnambulists, drunken men on horseback, and the citizens of the United States.

One cannot help wondering what our subsequent history would have been if Whig principles and Howe had not had such a large share in "suppressing" our rebellion. What would have been the result if the Tories had from the start really got to work at the suppression and devastation which has been inflicted by them upon Ireland, South Africa, and other countries. If Howe, when his large force gave him the opportunity to do it, had seized and imprisoned boys and all non-combatant patriots of any age, who might in the future join the patriot army, and had reconcentradoed the patriot women and children whom he allowed to wander among his troops, he might have considerably altered the course of history, and Graydon would not have been able to write that he passed from New York to New Jersey in the winter of 1776–77 and found no particular evidences of war. Howe was quietly resting in New York and Washington quietly waiting at Morristown.*

Loyalists like Judge Jones, of New York, and William Franklin, the governor of New Jersey, called for the most relentless severity, slaughter, hanging, exile, and confiscation, the severity that had been inflicted on Ireland,†—no mercy to men, women, or children, the same call which, in our own time, we have heard from literary men of England for effecting the extermination of the Boer republics.

If the call in our case had been answered in time and the whole patriot party had been literally exterminated or banished, it might have been effective. If it had left the patriots in the country, we should have become a perpetual

* "Memoirs," edition of 1846, pp. 282, 283.

† Jones, "New York in the Revolution," vol. ii. p. 27; Bancroft, "History of the United States," edition of 1886, vol. v. pp. 294, 327.

A PICTURESQUE VIEW of the State of GREAT BRITAIN for 1778

EXPLANATION

I. The Genius of Great Britain represented in the figure of a Bitch Dog.

II. The American Continent fawning upon her home with exhausted strength and defeat on the one hand already gone, the other still a young Bitch with great give.

III. The jolly jolping Dutchman walking the poor tame Cur with great ease.

IV. V. The French and Spaniard, each catching at them respectively the rest of the produce, and rushing both their mouths full, Laugh ing to see the Cur at their sweets.

VI. The good Ship Eagle laid up and moored at some distance from Philadelphia without masts or guns, and showing nothing but naked port holes, all the rest of the fleet invisible, nobody knows where.

VII. The two Brothers clapping arms against the other, in the City of Philadelphia, out of sight of fleet and Army.

VIII. The British Lion lying on the ground with a chop, to that a pug-dog trampled upon him, as on a little: but shows to the nothing, bear nothing, and feel nothing.

IX. A Free Englishman in mourning, standing by him, wringing his hands, rolling up his Eyes in despondency and despair, but unable to rouse the Lion, to correct all these invaders of his Natural Prerogative and his subjects property

ENGLISH CARICATURE OF 1778 ON THE CONDUCT OF THE WAR BY GENERAL HOWE AND ADMIRAL HOWE

Galloway criticised it with considerable severity in his "Letters to a Nobleman on the Conduct of the War." Howe replied in his "Observations;" and Galloway again assailed him in "A Reply to the Observations of Lieutenant-General Sir W. Howe." This last attack seems to have been the severest and most detailed arraignment of Howe that was published. Galloway openly accused him of being in league with a large section of the Whigs to let the rebellion go by default and give America independence.

Howe's "Narrative" is a most remarkable explanation. By means of vague general statements he gives the impression that the rebel forces always outnumbered his. If we can believe him, the American continent was swarming with vast hordes of rebels, which almost every hour were threatening the destruction of his little army, which the ministry would not reinforce. It was wonderful that he had maintained himself unannihilated for three years.

When he gives numbers he gives his own force by leaving out all the officers; but in counting the rebel force he adds officers and imaginary privates without limit. For example, at Brandywine, where he had 18,000 and Washington 11,000, he says he had only 14,000, but that Washington had "about fifteen thousand, exclusive of almost any number he pleased of militia."

By a similar vague statement he makes it appear that the rebel forces in the year 1777 were fifty thousand, because the Congress had voted to raise that number. He complains on almost every page that the reinforcements he was continually asking for, with which to meet these vast innumerable hordes, were not furnished him. How, then, could he be expected to put down such a rebellion?

The question might be asked how it happened, when the rebels were so numerous and dangerous, and his army was so small, that he placed two small outposts of fifteen

hundred men each at Trenton and Bordentown, fifty miles away from his main army at New York?

He describes the natural difficulties of the country, the opportunities for ambuscades, and the heat of the weather as insurmountable obstacles. If he had not always taken the greatest care in not going too near the vast masses of rebels, and in not letting them come near him, there would have been the greatest hazard to the king's troops. But he had always protected his army from the slightest check. His plan had been to keep his army intact; keep up the show of force and conciliate the rebels rather than run serious risks or resort to acts of severity.

He attached great importance to his taking of Philadelphia, and has much to say on the importance of manœuvring and occupying large towns rather than of destroying armies, although he admits in one passage that "the defeat of the rebel army is the surest road to peace." *

He took up again his old occupation in Parliament and joined heart and hand with the Whigs to prove more and more the impracticability of the American war and to cripple the administration of Lord North. Within three or four years, aided by the mistakes of Cornwallis, who returned to America, the Whigs were triumphantly successful, and, once more in power and office, they made, in 1783, a treaty of peace with the patriots, granting them independence.

Howe afterwards held important military offices, but never again took part in active war. He lived to the ripe age of eighty-five, dying in 1814, so that he saw the second war for independence, and his brother's old friends obtain their independence on the ocean as well as on the land.

* For further criticisms on Howe, see "A Letter to the People of America," p. 63, London, 1778; "Strictures on the Philadelphia Mischianza, or Triumph on leaving America Unconquered," London, 1779; Stevens, "Fac-similes of MSS.," vol. i. pp. 81, 82.

do so much as that. New York and Canada must therefore be held, and from them predatory expeditions could be sent out to all parts of the rebel colonies. British wealth and resources could keep this method going for years, and it would eventually wear out the rebels, whose numbers were few and whose resources were limited. A peace of some sort, more or less favorable to the mother-country, would be eventually concluded.

This plan seems to have been essentially a sound one; more conservative than the plan mentioned by Tarleton and involving less risk. It worked very much as was expected, and came very near to being successful. All history shows that a patriot army like Washington's, living from hand to mouth, with no power to punish desertion or force enlistments, cannot in the long run endure the steady grinding process of a regular military establishment backed by a rich nation which considers it worth while to stand out to the end.

Before this plan was put in operation and a new method of warfare adopted, the ministry resolved to make one supreme effort for conciliation and a peace which would preserve America as some sort of dependency of Great Britain, even if attached by a very slender thread.

An act of Parliament was passed appointing commissioners, who spent the summer from June to October, 1778, in the colonies. By this same act the tea tax and the act changing the government of Massachusetts were repealed, the right of raising revenue from the colonies was renounced, and the commissioners were empowered to suspend the operation of any other act passed since 1763 and proclaim pardon and amnesty.

In other words, complete independence from Parliament was offered, and the colonies could live merely under "the king alone," as all their documents had said was the dearest

CONTEMPORARY FRENCH ENGRAVING OF THE TAKING OF GRANADA BY FRENCH TROOPS

wish of their hearts. According to an English pamphlet* of this time, it was the intention to allow the colonies their own army and navy, Great Britain retaining the right of declaring peace or war with foreign powers; but every other sovereign power was to remain with the Congress of the colonies. Under the terms of this new offer, the colonies could have obtained far more independence than Canada, Australia, or any British colony now has, or has any prospect of obtaining,—an independence under a protectorate or suzerainty just short of absolute independence.†

Some of the Whigs, especially the Duke of Richmond, Fox, and some of the followers of Lord Rockingham, were in favor of absolute independence, because it would settle the question at once, save expense, and an independent America would trade with England as much as, if not more than, colonial America had traded. The mass of the Whigs, however, could not very well object to the new Tory peace proposals, for they were the same that Whigs had often urged. But they were sorry to see the Tories taking the wind out of the Whig sails. Old Lord Chatham, who, however much he favored the Americans, was always furious at the thought of their being allowed independence, denounced the new proposals. He was carried into the House of Lords to make against the proposed peace the last speech of his life. At the close of his speech he fell fainting into his seat. His favor to the Americans did not extend so far as such a peace as that. He wanted the colonies to remain subservient dependencies, real

* "An Examination into the Conduct of the Present Administration," etc., p. 54, London, 1779.

† It is not likely that England has ever made such a strong effort to bring about a peace. See the elaborate discussion and preparation of the instructions for the commissioners, in Stevens, "Fac-similes of MSS.," vols. iv., xi., xii., and parts of i. and v.

colonies, so that from his oration on this occasion we do not prepare quotations for our school-boys to recite.

Charles Lee, Arnold, and other patriots tinged with loyalism were in favor of accepting this very liberal offer of peace; and Gates wished for a conference with the commissioners. But the majority of the patriot party rejected the offer with derision, which shows how absurd it is to pretend that they had not wanted absolute independence and that it was forced upon them by England. Here was complete "redress of grievances" offered them, the very redress they had asked for when it was impolitic to use the word independence, and now they would not take it. The Congress were so confident of the temper of the patriot party that they freely circulated the printed peace proposals which were ridiculed and publicly burnt by the patriots.

The peace negotiation having failed, the commissioners announced that now the character of the war would change. Devastation, fire and sword, and the merciless vengeance, which some of the loyalists had already called for, would be wreaked upon the rebel country. In the early part of the war under Howe, they said, the English army went through your country with the greatest forbearance, because it was expected that we should soon be sitting once more with you under the shade of the same vine. We raised no contributions, destroyed no docks or storehouses, quitted Boston and Philadelphia without injury, leaving large stores behind. We treated you as children and friends under a temporary separation. But now, as you have allied yourself with France, our hereditary and bitterest enemy, we shall treat you as a foreign enemy, as strangers to our blood, and we shall inflict upon you all the severities of war.

There was, of course, an outburst of Whig eloquence in Parliament against the cruelty of this proclamation; the

barbarity of devastation and slaughter to be inflicted on English people who were to be tortured, killed, and robbed in order to make them affectionate colonists.*

The proclamation was issued October 3, 1778. But meantime, before we describe how it was carried out, we must get Clinton out of Philadelphia, where Howe had left him. The farce of occupying that town could no longer be kept up, especially in view of the new policy of severity.

To leave Philadelphia and enter New York in safety was, however, no longer the child's play such movements had been to Howe with a large army and numerous transports and men-of-war. Clinton's army was much reduced in size, and while its numbers are uncertain it was probably barely ten thousand men.† Washington, with his usual advantage of spring and summer recruiting, had now about eleven thousand. The king appears to have wanted Clinton to go to New York by sea, which would seem to be the safest method, but for some reason he declined that plan. He decided to march his force straight across New Jersey; and he tells us, though without making it at all clear, that by doing this he saved both his army and the fleet.‡

This crossing New Jersey with his reduced force was a somewhat daring project, and his masterly accomplishment of it won him considerable applause in Europe. His first difficulty would be in evacuating Philadelphia and crossing the Delaware, which would give Washington what was

* Cobbett, "Parliamentary History," vol. xx. pp. 1, 830, 836, 851.

† Magazine of American History, vol. ii. p. 407. Bancroft says that Clinton had 17,000, but Clinton says in his MS. notes that the Philadelphia army had recently been reduced by 12,000, which would have left him rather less than 10,000.—MS. notes to Stedman's "American War," vol. ii. p. 6.

‡ Notes to Stedman, vol. ii. p. 20.

considered at that time the great advantage of attacking an army in the act of crossing a large river. His next difficulty would be his long march in hot weather through the Jersey sand, with his army and great baggage-train strung out in a long line offering a tempting opportunity for a side attack.

If he escaped this danger, how was he to get his ten thousand men into New York, which was surrounded with wide bodies of water? If he went straight towards New York, as the Pennsylvania Railroad now goes, he would become involved in the Raritan River and its marshes, and beyond the Raritan were other rivers and bodies of water. Washington might crowd him into these marshes, and, summoning a larger force of militia from all over the country, succeed in Burgoyning him.*

The first step of crossing the Delaware gave him no trouble. He placed three regiments on the Jersey side. The main body of his army marched down into the level neck of land south of the city at about three o'clock in the morning of June 18, crossed over to Gloucester by ten A.M., and he was soon on his way through the sand accompanied by a large number of loyalists who intended to leave the country. The fleet containing General Howe and other loyalists immediately dropped down the river, part of the fleet going to England and the rest going with Admiral Howe to New York to help Clinton get into the town.

Washington meantime had gone up to his favorite crossing place, Coryell's Ferry, some miles above Trenton, and, as Clinton marched across Jersey, Washington was also crossing it, inclining towards Clinton; so that the two armies must inevitably meet. The British, as usual, had an immense quantity of baggage strung out in a line eight or twelve miles long. A great deal of it belonged to the

* Clinton's notes to Stedman, vol. ii. p. 17.

loyalists and the rest no doubt was composed of the elaborate toilet articles, innumerable suits of clothes, bath-tubs, and sporting implements of the officers. The heat was so intense that the heavily clad and heavily loaded regulars were sinking from exhaustion, and many of them were found dead beside the springs and streams. Modern critics have inclined to the opinion that it was a rare chance for Washington to strike a terrible blow; but Washington and his officers, according to the account given by Lafayette, did not think that there was much to be gained by a battle.*

The two armies drew together at Monmouth, not far from the sea-coast, and Washington saw his chance in a sudden early morning attack on a day when the heat registered ninety-six degrees in the shade. The battle which now took place is involved in some confusion. Washington expected a victory, and possibly might have had one; but George III. had wisely abstained from hanging that great military genius, General Charles Lee. He had shrewdly allowed him to be exchanged, and here he was, second in command to Washington, who still had full confidence in him.

He was given the honor of leading the attack, and at first declined under the pretence that such an attack was useless. He seems to have been influenced, as Lafayette reports, by the thought that the recent peace proposals might be accepted, and there was no need of risking a battle. Afterwards, when he saw the attack was to be made by Lafayette, he asked for the command of it, and it was given to him. He went forward as if with the full intention of carrying out the orders; but at the critical moment, with everything, as some have supposed, in his

* Lafayette, "Memoirs," vol. i. p. 51; Pennsylvania Magazine of History, vol. ii. p. 140.

favor, he retreated. The British turned upon him, and were inflicting a severe loss, when Washington rushed to the rescue and with difficulty prevented a disaster. It was one of those occasions when Washington lost control of his passionate nature, and he cursed Lee as only he could curse. General Scott, who heard it, declared that in all his life he had never heard such oaths. "Yes, sir, he swore till the leaves shook on the trees . . . he swore like an angel from heaven."*

On the other hand, English officers thought that Lee did all that could have been done, and that the Americans got off easily. Clinton's account of the battle agrees precisely with the account given by Lee. Both sides claimed a victory. Washington, whose eyes were now opened, had an unpleasant controversy with Lee, who was court-martialled and suspended from command for a year. He fought a duel with Laurens, one of Washington's aides, and when he wrote a sneering letter to the Congress was expelled from the patriot army, and henceforth associated with loyalists, among whom he rightfully belonged. It was strongly suspected that his conduct at Monmouth was intended to bring disaster upon the patriot army or on Washington.† Lee, as next in rank, might have taken command with an opportunity as head of the army to suggest a compromise peace on the basis of the British proposals just offered, which would have established his fortunes and reputation in English society.

Neither side gained anything by Monmouth. Washington's chance, if he had one, was gone. Clinton got into New York in a most clever way. He kept clear of the Raritan and its marshes, and marched out on Sandy Hook, where the fleet took care of him and transported his troops

* Pennsylvania Magazine of History, vol. ii. p. 141.

† Hamilton, Works, Lodge edition, vol. vii. p. 29.

MAP SHOWING CLINTON'S RETREAT FROM PHILADELPHIA TO NEW YORK

into New York. His praises were sung in England and Europe. His retreat with his ten thousand was compared to the retreat of Xenophon and his ten thousand Greeks from Babylon to the sea. The Raritan was the Euphrates and the sand-hills of Jersey were the mountains of Carduchi.*

Washington took possession of the Hudson Highlands, which he began to fortify strongly, so as to prevent any movement from New York to seize that famous strategic point. He held the middle of the strategic line to Canada and the British the two ends.

It was now a question of tricks, artifices, treachery, and endurance. The loyalists and the English were hopeful; many Americans were becoming heartily sick of the anarchy, confusion, and lawlessness in the country; the hopelessly depreciated paper money, the stagnation and ruin of all legitimate business, the weakness and inefficiency of the Congress as a governing body, the selfishness and supposed corruption of many of its members, the danger that the country, unable to govern itself, would fall into the hands of France.

At this point, on the 8th of July, the French fleet of eighteen war vessels, under Count d'Estaing, and a force of four thousand French soldiers, arrived off New York. A plan was formed to attack Clinton in New York, but it had to be abandoned, principally because several of Estaing's ships were of too deep a draft for the water on the bar. The chances for the Americans to maintain an aggressive war seemed not to be increased by the alliance with France.

One more effort, however, was made. Newport was still held by the British for the reason, as already shown,

* "Thoughts on the Present War," etc., London, 1783; Magazine of American History, vol. ii. p. 407; vol. iii. p. 355.

that it was the most convenient refuge harbor on the coast after Halifax. It would be a great event for the patriots to take it. The New England militia were collected to the number of about 7500. Washington sent 1500, and the 4000 French troops on the fleet made a force of 13,000. The plan was for the Americans to land on the east side of the island, the French on the west, and intervene between the town of Newport and the garrison on Butts Hill on the northern part of the island.

General Pigot, who, with Howe, had led the charge at Bunker Hill, commanded at Newport, and, seeing the design of the Americans, he withdrew his force from Butts Hill and concentrated in the town. Sullivan, in command of the Americans, immediately took possession of Butts Hill, but the French could do nothing against the town, and the next day Admiral Howe was sighted with a fleet of British war-vessels.

Estaing immediately sailed out to meet him, and Admiral Howe nearly had a battle. For two days the fleets manoeuvred for the weather-gage, when a terrific storm, amounting almost to a tornado, arose, scattering both the fleets over the ocean, and when it had ceased each sought a refuge to refit.

Estaing returned to Newport, abandoned the attack, and, taking the four thousand French troops on board, went to Boston to repair his vessels. Many of the New England militia disbanded in disgust, and it looked as if France, whatever she might do in absorbing England's attention elsewhere, would not be able to give much active assistance to the patriot army. Pigot attacked Sullivan on Butts Hill and was repulsed with severe loss. But the next day Sullivan had to abandon his position and retreat to the main land, for Clinton was hurrying from New York with five thousand men.

But although the patriots themselves were becoming less and less able to keep up anything resembling aggressive war, the aid of France was telling on their enemy. The French fleet, as soon as it could refit in Boston, went to the West Indies to threaten the British possessions there, and immediately five thousand of Clinton's men were withdrawn and sent to help protect the West Indies. In the autumn of this year, 1778, Clinton felt himself so much weakened that he abandoned the garrison at Newport and concentrated his whole force in New York, which was now the only place held by the British in the rebellious colonies. Washington was also so much weakened that he could only hold himself in a sort of half-circle above New York and watch his antagonist.

The wearing down of the patriots by relentless severity, which the peace commissioners threatened when their negotiations failed, began before they left the country, and, in fact, soon after their arrival in June, 1778. The alliance of the rebel colonists with France was considered as having removed all reason for scrupulousness or restraint. In July of that year there was a terrible raid made into the Wyoming Valley of Northern Pennsylvania by the loyalists and Indians of Central New York. There was an heroic resistance by a handful of old men and boys, but it was quickly overcome by the larger force of loyalists, British, and Indians. The resisting force of settlers was pursued and butchered without mercy, the fort set on fire, the prisoners thrown into the flames and held down with pitchforks, or arranged in a circle and slaughtered by the tomahawk of the Indian Queen Esther.

When night came fires were kindled and the remaining prisoners chased, naked, back and forth through the flames until they fell exhausted and were consumed. Many of the women and children who tried to escape eastward to

the Hudson River perished in the forests and swamps, and the invading force went through the neighboring country burning every house, and shooting and scalping every human being that could be found, and working, in short, that complete devastation which the British in former years had used for breaking the independent spirit of Ireland, and which the loyalists had been calling for as the only method that would save the American colonies for the British empire.*

This was the first use of the Indians by the British. Howe would not use them, and the whole Whig party were unalterably opposed to their use. But the real typical British Tory was loose at last.† It was no longer a half Whig repression of the rebellion. The patriot leaders, who had feared that their followers would grow lukewarm for want of British atrocities under Howe, had now enough and to spare. There was another raid into the Cherry Valley of New York, men, women, and children slaughtered, and the settlement wiped out of existence. The whole northern frontier was for months deluged in blood and murders which were not checked until, in the following year, 1779, Washington sent Sullivan with a force of three thousand, which broke forever the power of the Six Nations and the loyalists of Central New York.

In the autumn of 1778, Clinton, in pursuance of the wearing-down policy, sent No-Flint Grey to raid the New England coast. He swept Martha's Vineyard, New Bedford, and Fair Haven with fire and sword, and destroyed

* "The Making of Pennsylvania," p. 282.

† The use of the Indians was defended by the Tories on the familiar ground of necessity and as being in the end no more cruel than other warfare. All real war, it was said, was devastation and destruction, and the quickest and shortest methods were the best.—"An Impartial Sketch of the Various Indulgences granted by Great Britain," etc., pp. 35-40, London, 1778.

ENGLISH CARICATURE ON THE EMPLOYMENT OF THE INDIANS

all the shipping in the harbors. On his return he captured Baylor's troop of Virginia cavalry at Old Tappan on the Hudson, and killed a large number of the prisoners.*

Soon afterwards, on October 15, Captain Ferguson made a dash at Egg Harbor and the neighborhood near what is now Tuckerton, on the coast of New Jersey. Admiral Howe had allowed this inlet from the sea to go unblockaded, and the patriot commerce and a swarm of thirty or more small privateering craft, which watched for British merchant vessels bound to New York, found it a good refuge. The admiral had been content with keeping them out of New York and Delaware Bay. But by way of Egg Harbor they could send cargoes up the Mullica Creek to within thirty-five miles of Philadelphia by land.

Ferguson was an officer in a British rifle company, had interested himself in introducing the rifle in the army, and is said to have invented a breech-loader. His raid on Egg Harbor was most successful. He penetrated up into Mullica Creek, destroying valuable property, and at night surprised Pulaski's Legion, where there was another slaughtering of prisoners.†

In the same autumn of 1778 Clinton also sent Colonel Campbell with 3500 regulars from New York to Georgia, where they easily defeated the 1200 militia of the patriots, and on December 29 took Savannah, and soon afterwards Augusta. The British General Prevost advanced at the

* Stryker, "The Massacre near Old Tappan."

† Stryker, "The Affair at Egg Harbor." There was a great deal of prisoner-killing committed by the British during the last years of the war. The fight at Hancock's Bridge in New Jersey afforded another instance of it, and prisoners and non-combatants were most mercilessly slaughtered when the Southern colonies were invaded. See, also, Magazine of American History, vol. xi. p. 275, note.

same time from Florida and took Sunbury; so that Georgia was declared to be out of revolt and in the peace of the king.* The troops were indulged in indiscriminate plunder, the prisoners treated with merciless severity, and most of the patriots who did not escape to the mountains saved themselves by taking the British oath of allegiance, which they afterwards considered themselves justified in breaking.

In the hope of checking this British progress in the South, General Lincoln was sent to Charleston. But South Carolina was so much in dread of a rising among her slaves that the local militia would render him no assistance. He obtained 2000 militia from North Carolina, and, the British having been repulsed in an attack on Port Royal, Lincoln, at the end of February, 1779, sent Ashe with 1500 men to invade Georgia. The British retired from Augusta, and when Ashe unwisely followed them they turned upon him, inflicting a terrible loss and killing and capturing over one thousand of his men.

In April Lincoln again invaded Georgia, and Prevost promptly invaded South Carolina, desolating the country, burning houses, crops, food supplies of every kind, slaughtering cattle, horses, and even dogs, and leaving such a desert that over a thousand slaves died of famine. Prevost, however, could not take Charleston, and was obliged to return to Georgia.

In that same spring of 1779, while this work was going on in Georgia and Carolina, Clinton sent General Matthews to Virginia, which had been undisturbed for a long time and was producing a great deal of tobacco. He sacked and burned Norfolk and Portsmouth, shot down unarmed citizens, and allowed his soldiers to ravish delicate and refined women. He plundered the neighboring country and the shores of Chesapeake Bay, destroying over a hun-

* Cobbett, "Parliamentary History," vol. xx. p. 839.

dred ships and three hundred thousand hogsheads of tobacco. In July Tryon attacked the coast of Connecticut, burned the shipping at New Haven and the warehouses along the wharves, until he was driven out by the militia. The next day he attacked and burned Fairfield, and afterwards Green Farms and Norwalk.

All these severities, heavy, shocking, merciless blows, were delivered so as to affect the business and social relations of large districts of country. They were delivered in districts which had heretofore been free from the interference of the war, and where the people were enjoying a more or less profitable trade. They told severely on the patriot cause, and Washington was powerless against them. Orators may say that the extreme patriot party grew more desperate and determined; but unfortunately it grew smaller. It lost the support of thousands who wished it success if it could be successful quickly. These people were not willing to fall back beyond the Alleghanies; they could not endure destruction of property, annihilation of business of every kind, and long years of waiting in the midst of universal devastation with nothing at the end of it but to go back under England or, as might very well happen, become French colonies. It is difficult for us now to realize the deplorable state of the country; devastated and ruined, with the paper currency sunk so low that a bushel of corn cost one hundred and fifty dollars and a suit of clothes two thousand dollars.

This condition of things shows what Howe could have done with his large force if he had not, luckily for us, been a Whig and unwilling to encourage such raiders as Grey, Ferguson, and Matthews. Clinton, within a year after he assumed command, and with a force only one-third the size of Howe's, and with France fighting England all over the world, was in a fair way to wear down

the rebellion. He had done more in that year, or even in the first six months of it, than Howe had done in three years. If he could now stand steadily by his policy, and not take great risks, he might in time be given reinforcements and wear down the patriots still faster.

At the time Tryon ravaged the coast of Connecticut, in July, 1779, Washington planned an attack on Stony Point, on the Hudson. Stony Point was on the right bank of the river and, with Verplanck Point opposite, guarded the entrance to the Highlands. Washington had secured these two forts when, after the battle of Monmouth, he began to settle himself in his position above New York. But Clinton came up the river and captured both the forts. It was now thought that Stony Point might be retaken as an offset to Tryon's raid into Connecticut.

The attack was intrusted by Washington to General Wayne, of Pennsylvania, who, in reply to the request, instantly said that he would storm hell if Washington would prepare the plan. Wayne's command had been massacred at Paoli by No-Flint Grey's terrible use of the bayonet. Wayne now followed his adversary's method of preventing his men firing their muskets, and at midnight of July 15, 1779, he led twelve hundred patriots, with not a gun loaded, across the causeway at low tide and out on to Stony Point. They rushed up over the embankments with such rapidity that they lost only fifteen killed. Plunging in among the British garrison, they killed sixty-three with their bayonets, and the rest surrendered. It was one of the most heroic feats of the war, and there was no prisoner-killing.

But Stony Point could not be held. The patriots had to abandon it again to Clinton within three or four days. The taking of it had been inspiriting, and brought Tryon back from his raid into Connecticut; but it was not of

permanent value. No real headway could be made against Clinton's wearing-out policy.

About a month after the taking of Stony Point, Light-Horse Harry Lee, of Virginia, the father of Robert E. Lee, of the Civil War, attacked in the same way the fort on Paulus Hook, which was a spit or isthmus of sand at the present site of Jersey City. He got into the fort and took one hundred and fifty-nine prisoners, but was obliged instantly to abandon it, because the British were coming to the rescue from New York.

In September, 1779, Estaing and his French fleet tried to help the patriots. He had been fighting the British in the West Indies with considerable success. With the assistance of General Lincoln he laid siege to Savannah for three weeks, until, fearing the coming on of the tornado season, he tried to carry the town by assault, only to be heavily defeated with the loss of one thousand men, while the British lost only fifty-five. He sailed away, was caught in a tornado, and his fleet scattered to the West Indies and to France.

Clinton's policy was succeeding to perfection, and he now prepared for another stroke. Leaving Knyphausen in New York, he sailed with eight thousand men in the end of December to Savannah, where, taking some of Prevost's troops, he marched overland upon Charleston. Lincoln, who commanded the town, should have abandoned it and saved his army. Collecting troops in it was merely increasing their numbers for a surrender. There was no fighting of any consequence, and the town surrendered to Clinton May 12, 1780.

Clinton immediately sent forces which reduced the whole of South Carolina to the possession of the British, and an incident occurred which shows how important it was to pursue the retreating patriots, and why Howe was so care-

ful to abstain from such pursuits. A Virginia patriot corps, commanded by Colonel Buford, was marching down to the assistance of Charleston, but, hearing of the surrender, retreated northward. Colonel Tarleton pursued, and, although they had a long start, he caught up with them and killed or captured them nearly all, putting the prisoners to death with the most inhuman atrocity.*

Clinton placed Cornwallis in charge of South Carolina, and he inaugurated a most vigorous system of compelling the inhabitants to take the British oath of allegiance, and also tried to compel them all to take part in re-establishing and maintaining the royal supremacy. Thousands of patriots took the oath of allegiance, intending to break it, as most of them did, at the first opportunity. They considered the oath as forced upon them to save their lives and property, and therefore not binding on their consciences. Other patriots took refuge in the swamps and forests of the interior, very much as Washington had feared that the whole patriot party might be obliged to do.

There was now for a long time a frightful scene of anarchy and confusion in South Carolina; with the British and loyalists plundering, murdering, and confiscating; the patriots retaliating as best they could; and the British officers and hangers-on selling captured slaves and rice to the West Indies. To break the spirit of the patriots and enforce submission, all non-combatants who would not turn loyalist were imprisoned and sometimes shot in their own houses in the presence of their wives and children; those who broke the oath of allegiance were hanged; hundreds were imprisoned and forced to serve in British ships and regiments; and the prison-ships were such pest-houses that

* Bancroft, "History of the United States," edition of 1886, vol. v. p. 378; Ramsay, "History of the United States," edition of 1816, vol. ii. p. 324.

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three-fourths of those confined in them were quickly destroyed. The devastation of plantations and homes was so complete that the line of a British raid could be traced by the groups of women and children once of ample fortune sitting by fires in the woods. All this was done under instructions from the ministry sent through Germain and carried out by Lord Cornwallis, a Whig who had voted against the Stamp Act, but who, now that he was serving under Clinton with explicit instructions from the ministry, had completely changed his character.*

It was at this time, during the summer of 1780, that the patriots, who would not take the oath of allegiance, and had retreated to the swamps and mountains of the interior, maintained, under Marion, Sumter, Pickens, and Williams, that partisan warfare which became so famous. Their numbers were insignificant. Their attacking parties were as small as twenty and seldom over one hundred. But the suddenness of their appearance, the fury of their attack, and the swiftness and secrecy of their flight were appalling to European soldiers. No small British outpost or settlement of loyalists was safe from them, and they would even attack a whole column upon the march, slash about with their swords made of old saw-blades, shoot pewter bullets from their pistols, and escape. They show that there was good reason for Burke's warning and the anxiety of the ministry and some military men that the patriot party, if driven beyond the Alleghanies, would become a perpetual terror to British authority on the coast.

While Marion and Sumter were at their work in the summer of 1780, General Gates, the hero of Saratoga, was sent to Hillsborough, North Carolina, to collect troops and

* Bancroft, "History of the United States," edition of 1886, vol. v. pp. 392, 393, 402.

ful to abstain from such pursuits. A Virginia patriot corps, commanded by Colonel Buford, was marching down to the assistance of Charleston, but, hearing of the surrender, retreated northward. Colonel Tarleton pursued, and, although they had a long start, he caught up with them and killed or captured them nearly all, putting the prisoners to death with the most inhuman atrocity.*

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* Bancroft, "History of the United States," edition of 1886, vol. v. p. 96; Ramsay, "History of the United States," edition of 1816, vol. ii. p. 324.

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tight in the grasp of the masterly Clinton, and almost as useless to the patriots as though they were still in France. The rest of the French army which was coming over was, in a similar way, blockaded by a British fleet in the harbor of Brest, and never came to America.

The strain of the situation was increased. The three antagonists, England, France, and the patriot party, were, so to speak, lying on the ground and holding one another down, but unable to fight. The weakest of the three was unfortunately the patriot party. It looked as if all the cautious careful work of Howe and the Whigs would go for naught. Whatever may have been their courage and their protestations or determination to persist to the last, it is doubtful if there was a single one of our people, not even Washington himself, that had in his heart any real hope for independence. A bad compromise, more unfavorable than the last one offered by the ministry, was the best they could expect.

XXIV

ARNOLD, THE LOYALIST, TRIES TO SAVE THE BRITISH EMPIRE

For more than a year Clinton had been preparing for another blow, the most staggering of all. Early in the year 1779 he had found that some important American officer was secretly communicating with him. Clinton continued the correspondence, which was carried on for him by his adjutant-general, André, the accomplished young Frenchman of Mischianza fame. In the summer of 1780, when the French army arrived at Newport and Gates was defeated at Camden, Clinton learned that his rebel correspondent had been placed in command of West Point, the most important patriot fortress on the Hudson and the key to the important strategic position for which all had been contending, and that he was ready to arrange for surrendering to the British this Gibraltar of the patriots, their only stronghold, to fortify which they had used their utmost efforts, and which covered all their stores of military supplies.

General Arnold, who was prepared to make this surrender, was in character and temperament a loyalist. Nothing is more noticeable in the Revolution than the way in which certain types of mind inevitably gravitated to the congenial side. Among a large number of the colonists one of the strongest motives to loyalism was social ambition,—the desire either to remain with what was believed to be the most conspicuous fashion of the time or the hope of some day entering the circle.

Arnold belonged to an old and respectable Connecticut

family, which, however, had always been engaged in small trade. He was at one time an apothecary. He afterwards traded in horses and general merchandise to Canada, and took command of his own ship. He was fond of horsemanship, in which he excelled, and he was an excellent marksman with a pistol. These tastes and a perfection of courage and physique which won the admiration of both men and women were accompanied by a not unnatural passion to enter a sphere of life in which he believed he could excel. When, on his arrival at Quebec in 1775, he paraded his little army before the town, it was supposed that he was trying to show the people who had snubbed him on his trading expeditions that he now had the important command of a gentleman.*

In the beginning of the Revolution we find him quarrelling with an officer and knocking him down with his fists because "he would not draw like a gentleman." In the Canada expedition we are told that his troops admired his heroism, and in almost the next sentence we are informed that he was hated, and numerous quarrels with him are described which are quite inexplicable. As he passed down to Ticonderoga he had another quarrel with a court-martial which rejected the testimony of a witness he offered. He protested against this rejection as improper and unjust, and as we read his protest there seems to be nothing in it out of the way. But the court instantly flared up against him, demanded an apology, and showed a feeling and indignation which cannot be accounted for by anything that Arnold had said. Their violence naturally drove him to reply with some force, and, as he had done nothing for which to apologize, he intimated his willingness to fight duels with them all. About the same time he had a quarrel with Colonel Brown, in which we

* Codman, "Arnold's Expedition to Quebec," p. 150.

cannot find Arnold particularly in the wrong; but Brown followed him up as if bent on vengeance for some offence that does not clearly appear.

At the same time we find the great dislike for Arnold spreading to the Continental Congress. In spite of his heroism and his distinguished services they appointed above him five junior major-generals, which has universally been regarded as an outrageous piece of injustice, and for which no reason has ever been given, except that many of the patriot party detested him. This extraordinary dislike, for which no reason is given, has aroused some comment and surprise,* and the explanation appears to be that those who came in close contact with Arnold could not endure his obvious loyalism and something in his manner, which may have been that overbearing and insolent tone which the loyalists imitated from the English.

Prominent men among the patriots, like Washington and Gates, shielded Arnold as much as they could, regretted the apparent injustice that was done him, and tried to soften his asperity and indignation, because they would not, if they could help it, lose his invaluable services. He won such distinction at the battle of Saratoga, and was so badly wounded, that Congress was obliged to square accounts and give him the rank to which he was fully entitled.

But nothing could stop his inevitable tendency. The French alliance, the increasing demoralization of Congress, and the increasing anarchy and devastation throughout the country made him more of a loyalist than ever. He had not been in favor of the Declaration of Independence, although, as he explained, he had acquiesced in it as a means of carrying on the war and obtaining "redress of grievances," which was all for which, in his opinion, it was worth while to fight. After the victory at Saratoga, when

* Codman, "Arnold's Expedition to Quebec," p. 284.

the ministry sent out peace commissioners offering complete immunity from taxation and freedom from all control of Parliament, the very redress which the patriots had originally said they wanted, Arnold was of the opinion that those terms should be accepted, and that it was not worth while for the patriots to pursue the war any further and dismember the British empire, with the probability of falling into the hands of France.

When Philadelphia was evacuated by the British in June, 1778, Arnold was placed by Washington in command of the town, and his real character and opinions instantly came out in a strong and conspicuous light. He associated exclusively with the loyalists who had spent the previous winter with the British army. He became extravagant in his style of living, and went into extravagant and reckless speculations to support it. He showed all the usual symptoms of a man whose consuming ambition is social position and attention. He quarrelled with all the patriot leaders, and it was easy to do that because they detested him for the bearing he had assumed among the loyalists. They could not endure anything he did, even when it happened to be right. He soon became engaged to be married to Miss Margaret Shippen, one of the most attractive and most prominent of the young loyalist ladies who had been so delighted with the visit of the British. It was a good marriage for his purpose. Her people were of that stripe of loyalists who would not leave the country, and yet clung to everything British in the hope that Britain would save them from the vulgarism of independence and the rights of man on the one hand and the French monarchy on the other.

It is easy to understand how a man of Arnold's ability and force, in chief command of an important town, could, from his association with fashionable loyalists, put on an air

and tone towards Reed, Mifflin, Robert Morris, and other patriot leaders that was unbearable, especially when they might see in his loyalism a strong tendency to treachery. The unbearableness of it is shown by their desperate attempts to get rid of him, drive him out of the army, and ruin him, without giving any strong or reasonable ground for their action.

They charged him with improperly admitting a ship into port, with using public wagons for carrying private property, of having improperly allowed people to enter the enemy's lines, of having improperly bought off a lawsuit, of having imposed menial offices on patriots, and of having improperly made purchases for his private benefit. They laid these charges before the Congress and sent them broadcast all over the country to the governors and legislatures with a purpose which is obvious.

Arnold demanded an investigation, and the committee of the Congress which was appointed found all the charges groundless except granting the pass and using the public wagons; and as in these two instances there appeared no wrongful intent, they acquitted him of all the charges. Arnold now resigned from the army and soon after married Miss Shippen. But Reed and the others who had been in close contact with him in Philadelphia would not relent. They brought the subject again before the Congress, which recommended a trial by court-martial. The court-martial was appointed and made the same decision as the committee, except that it recommended that Arnold be reprimanded, because in the matter of the pass and the wagons, which were used to save private property from the enemy, while entirely guiltless of a wrong intent, he had been somewhat imprudent.

The reprimand was evidently intended as a sort of compromise which would partially satisfy Arnold's persecutors,

check their further proceedings, and save Arnold's services for the patriot army. Washington delivered the reprimand with the greatest gentleness and forbearance.

But Arnold had now been for some time preparing to do what thousands of loyalists would have been glad to do if they had possessed Arnold's unscrupulousness. He was determined by one fell stroke to stop the war, preserve the integrity of the British empire, put loyalism and loyalists in the ascendant, and give himself imperishable renown and an exalted station in England.

In July, 1780, he applied to Washington for the command of West Point, and it was at once and gladly given to him. The events of that summer—the ruinous defeat of Gates at Camden and the locking up of one French army in Newport and another in Brest—were particularly favorable to his purposes. There was every human probability that the surrender of West Point with its three thousand men, leading inevitably to the breaking up of Washington's whole position in the Hudson Highlands, would end the patriot cause.

Arnold seems to have timed his blow so as to follow closely upon the disaster to Gates in the South. In September he and André were preparing the last details of their plan, and on the night of September 21 they arranged for a final meeting. André came up the Hudson in the British warship "Vulture," and Arnold sent to the "Vulture" a boat in charge of Joshua Smith, a lawyer of means and prominence who lived in that region, and one of the numerous persons who were not quite sure whether they were patriots or loyalists. The boat, by the testimony of both Arnold and the captain of the "Vulture," carried a flag of truce. André, however, said it carried no flag when he returned in it.

The boat took John Anderson, as André had been

called in the correspondence, to a thicket of trees on the river shore, about four miles below Stony Point, where he met Gustavus, as Arnold was called. André was in his uniform and wore a light cloak or overcoat.

Here we see the first slip in this most important plan of Clinton to end the war, this plan of most extraordinary luck and accidents. André, an attractive, fresh-faced young Anglo-Frenchman, of pretty accomplishments and parlor tricks, could superintend Mischianza tournaments and fireworks or write clever verses, but he was unfit for this terrible enterprise with Arnold. It was a mistake for him to go ashore. He could have arranged everything with Arnold from the "Vulture" by taking more time or compelling Arnold to come on board. The captain of the "Vulture" tried to restrain his impatience and dissuade him from going on shore, but to no purpose.

The arrangements of the details of the surrender in the shadow of the thicket consumed the whole night, and as daylight appeared the boatmen refused to take the risk of a return to the "Vulture." André was persuaded to walk about a mile up the shore to the house of Joshua Smith, and there he and Arnold took their breakfast.

While they were eating, the "Vulture" was fired upon by Colonel Livingston's battery on the other side of the river and forced to fall down the stream, which was another accident unfavorable to Clinton and his plans. After breakfast Arnold returned in his barge to his head-quarters, having first given to André papers describing the fortifications, the signals to be given by the approaching British force, and the method of sudden and unexpected surrender. These papers André concealed in his stockings and waited at Smith's house all day.

When night came Smith thought it unsafe to try to take André in a boat to the "Vulture." He offered to take him

by land all the way to New York, and André reluctantly consented. He disguised himself in some of Smith's clothes, crossed the ferry to the east side of the Hudson, and in company with Smith pursued his way on horseback towards the British lines at White Plains. He was within the American lines in disguise and with papers on his person for the betrayal of a fortress. Clinton had specially warned him against the disguise and the papers because they would constitute him a spy in the full meaning of the word.

Nevertheless, he and Smith, by the aid of passes which Arnold had given them, passed successfully by patriot guards and even stopped and talked with them. As they approached the neutral ground, however, they feared to enter it and stopped at a farm-house to sleep for the rest of the night. The neutral ground between the two armies was infested by "skinners," so-called because they usually stripped and robbed their victims, and by "cowboys" who seized cattle for the British army. The "skinners" called themselves patriots, and the "cowboys" professed to be British; but they were both alike marauders who levied tribute and plundered quite indiscriminately.

The next morning Smith conducted André a little distance into the neutral ground and then returned to report to Arnold. This was another accident, for if Smith had continued to fulfil his task André would undoubtedly have escaped to New York.

Even alone he would in all probability have reached New York and carried out all of Arnold's plans if he had not made an unfortunate turn in the road. He was getting on successfully and had even met with and talked to several patriots. But something a boy told him about scouts ahead led him to alter his course, and when near the present Tarrytown he was stopped at the roadside by

three skinners, Paulding, Williams, and Van Wart, who were playing cards and watching for plunder and vengeance on some cowboys, who had killed and robbed a neighbor some days before.

When André artlessly said that he hoped they were of "the lower party," which meant the cowboys, they said they were, and one of them pointed to his green Hessian coat. André then foolishly announced himself a British officer on important business. They ordered him to dismount and told him they were Americans. He then helplessly changed his ground and showed Arnold's pass; but in spite of it they searched him and finding the papers in his stockings, declared him their prize, to be delivered to the nearest patriot officer.

They took from him his watch, money, horse, and equipment, which were divided among them and afterwards sold. André offered them large rewards if they would take him to New York, and increased the offer until it is said to have reached £1000. But after consultation among themselves they refused it and carried him to Colonel Jameson, the nearest patriot commander.

They were young men, all under twenty-three, and their refusal of the large bribe has been sometimes credited in our history to their sterling patriotic virtue. They were rewarded by Congress with pensions and gifts of land. But it is only fair that the reader should know that their virtue was denied by many people familiar with the circumstances, and particularly by Major Tallmadge, who maintained that they disregarded the bribe because they had no faith in its being paid. They consulted a long time about it, and decided that the risk was too great. If they allowed André to enter New York, or even if they kept him concealed and sent a messenger with the letter he offered to write, no arrangement for receiving the

reward could be made that might not also involve a detachment sent out to capture them. If they had seen the least prospect of safely receiving the reward, or any substantial part of it, Tallmadge believed that they would have let André enter New York. They saw more profit in the immediate spoil of the prisoner and in turning him over to the nearest American officer. While they had served as militiamen in the patriot army they were regarded as bad and indiscriminate marauders, and some of the people of the neutral ground accused them of being cow-boys as well as skinners.*

Colonel Jameson was astounded when they delivered to him their prize with the papers. He was unable to believe that Arnold was a traitor. There must be, he thought, some honest explanation, and he innocently sent André with a guard accompanied by a letter of explanation to Arnold, and sent the papers to Washington. André had now a good chance of escape if he reached Arnold. But not long after the guard started Major Tallmadge reached Jameson's quarters, and his remonstrances induced Jameson to send after the guard and bring back André, which was accomplished when André had only about an hour between himself and freedom. But Jameson still insisted on letting the letter of explanation go to Arnold.

The game was now up. André was sent to Washington. Arnold received the letter when at breakfast, waiting for Washington and his staff, who had just returned from an interview with the French general Rochambeau, at Hartford. With superb coolness Arnold read the letter, ordered

* Abbatt, "Crisis of the Revolution," p. 31; Benson, "Vindication of the Captors of André," pp. 10, 24, etc.; De Lancey's note to Jones, "New York in the Revolution," vol. i. pp. 730, 737. See, also, Pennsylvania Magazine of History, vol. xxii. p. 410; Sargent, "Life of André;" Arnold, "Life of Arnold."

his barge manned, said that he had been suddenly called across the river, and went up-stairs. His wife followed him and fell fainting at the announcement he made. He called a maid to attend her, rushed down to his barge, and displaying his handkerchief as a white flag, was rowed to the British warship "Vulture."

He was rewarded with a gift of at least £6315 in money, which was a fortune in those days. His wife was given a pension of five hundred pounds a year, and each of his children one hundred pounds a year. He had also a command in the British army with perquisites and opportunities. Although some of the Whigs avoided his company, he was well received by the Tory aristocracy and the king, and his family finally married into the peerage. He accomplished a large part of his ambition. Had he succeeded in surrendering West Point, he would have no doubt been made a peer. His sons entered the British army, and his descendants still occupy positions of respectability in England, devoting themselves to the enlargement of the British dominion, which was the only cause their ancestor had had at heart.*

Soon after his escape to the "Vulture" he published an explanation of his conduct, describing his leaning towards loyalism, and his disapproval of the Declaration of Independence, except as a mere means of obtaining a redress of grievances. He denounced the persistence in war and the attempt to dismember the British empire after the peace terms of 1778, which offered all the redress of grievances which the patriots had originally demanded. He denounced also the alliance with France, "a monarchy too feeble to establish your independence so perilous to her distant dominions; the enemy of the Protestant faith, and fraudulently avowing an affection for the liberties of

* Magazine of American History, vol. iii. p. 678.

mankind while she holds her native sons in vassalage and chains."

He announced that henceforth he would devote himself to the reunion of the British empire; and there is no question that there never had been any other project to which he could be sincerely devoted. As to the method he had attempted to use in taking leave of the patriots he had no excuse to offer, except that if a blow was to be struck the vastness and importance of the issues at stake justified the striking of the most heavy and telling blow that could be given.

As for poor André, he had been within the American lines in disguise, with papers in his stockings revealing a plan to capture West Point. British officers and British historians have usually maintained that he was a mere prisoner, protected from execution by the flag of truce, which Arnold and the captain of the "Vulture" declared was carried by Joshua Smith when he brought André ashore. But André himself settled this question. The board of officers appointed to try him asked him if he had come ashore from the "Vulture" under a flag; and he frankly replied that he had not, and had never considered himself as under the protection of a flag. There was, therefore, nothing that could be done except to hang him as a common spy.

It was one of the saddest and most pathetic scenes in all history. André's French delicacy, frank courage, and charm of manner won the hearts of his captors and of all the patriots in a way that would have been beyond the power of any Englishman. He should have been on the American side, as the rest of his countrymen were. As it was, his utter incapacity for such an enterprise as that of Arnold's had saved them from ruin, and was, perhaps, another debt they owed to France.

Crowds of people from all the country round—men, women, and children—came to see him die. Most of them would have torn Arnold limb from limb, but they were weeping over André. Everything he did charmed them; the touching letter he wrote to Washington asking to be shot instead of hanged; the outline of his beautiful, slender figure as he stood upon the gallows; his arranging with his own hands the noose around his neck and turning down his collar. No patriot could be found who would perform the task of executioner. They had to procure one of the half-way loyalist breed, who blackened his face and disguised himself, so that he could never again be recognized.

XXV

CORNWALLIS BRINGS THE WAR TO AN END AT YORKTOWN.

THE ruin from which the patriot cause had just escaped by a most lucky chain of circumstances is brought home to us by the mutiny among the troops which followed during that same autumn. The soldiers were almost as ragged and starved as they had been at Valley Forge. They had not been paid even in depreciated Continental money for a year. The time of those who, after the battle of Saratoga, had enlisted "for three years or during the war" was about to expire. They refused to re-enlist, and demanded their discharge and their money.

On January 1, 1781, thirteen hundred of them stationed at Morristown marched for Philadelphia under command of three sergeants, with the intention of forcing the Congress to pay them. Such a disorderly event caused much ridicule among the loyalists and the British, and seemed to show that the end was near. By the greatest exertions of leading patriots, who met them at Princeton, the mutineers were quieted and prevented from reaching Philadelphia; but this was done by yielding to all their demands for discharge and pay. Another small detachment that threatened mutiny was subdued by force and by the shooting of two of the ringleaders. But Washington's whole army was on the eve of dissolution.

The patriots had from the beginning of the war fitted out numerous privateers to prey on British commerce. They had met with success which was considered brilliant and heroic for a small and unorganized people fighting the

great maritime power of the world. But even with the determination of Admiral Howe to do as little harm as possible, the result of the privateering was against them. They had destroyed six hundred British merchant vessels, but British men-of-war had destroyed nine hundred American vessels. This proportion of loss, if continued much longer, would wipe out the patriot shipping, while England could, from her vast commercial resources, easily endure her share of the damage.

In the hope of making the loss more equal and of offsetting the raids made by Clinton's army, the French furnished Paul Jones, already distinguished as a privateersman, with a little squadron of four vessels, of which the "Bonhomme Richard" was the flagship. On the 23d of September, 1779, the "Bonhomme Richard" fought and compelled the surrender of the British frigate "Serapis" in one of the most remarkable naval battles of history. The "Serapis" was the superior vessel, and damaged the "Bonhomme Richard" so seriously that she sank soon after the surrender. The purpose for which Paul Jones had been sent out was not accomplished; and he could not get another squadron with which to assail the British marine. But he won immortal personal renown for having captured and compelled the surrender of the ship that had been able to sink his vessel. The moral effect of his victory in delighting all the continental nations which hated England was not without importance.

England bullied and insulted the merchant vessels of all nations. She claimed and exercised the right to seize vessels of any neutral nation carrying the cargoes of a nation with which she was at war. She was driving the continental trading people to unite in establishing the modern principle that neutral ships make free goods, except certain military supplies, called contraband of war.

From hatred of England all continental Europe was gradually coming to the side of the weak and despairing patriot party in America. In June, 1779, Spain, in addition to the money furnished to the Americans, allied herself with France, and declared war against England, without recognizing our independence or entering into an alliance with a people who were setting such a bad example to her South American colonies. England made great efforts to secure an alliance with Russia and hire Russian troops to go out to America, as she had hired the Hessians. She even went so far as to offer Russia large territorial concessions and the valuable island of Minorca. But Russia had merchant vessels carrying the goods of all nations and no navy to protect them, so she preferred to give the American insurgents every chance of success. Prussia also had a merchant marine, but no navy, and so Prussia encouraged Russia to withhold assistance from England.

With Holland England was in a condition of semi-war, seizing and searching Dutch ships and secretly longing for an excuse to exterminate her most dangerous rival in the commercial world, and punish her for joining the league of the armed neutrality of the continent, which had for its purpose the establishment of the doctrine that free ships make free goods and the indirect assistance of the American insurgents.

The excuse to strike Holland soon came, and in a curious way. The patriot Congress had for some time been trying to persuade the thrifty Hollanders to give active assistance. Henry Laurens, of South Carolina, resigned from the presidency of the Congress to go on a mission to Holland; but in crossing the ocean in October, 1780, he was captured by a British cruiser. He destroyed most of his papers, but the draft of a proposed commercial treaty

with Holland he threw into the sea, and the British sailors rescued it.*

Although it was merely a tentative proposal, signed by American and Netherland officials, the British ministry deemed it sufficient for their purpose. Without waiting for a formal declaration of war, the British fleet seized two hundred Dutch merchant vessels with cargoes valued at five million dollars, and on December 20 war was declared. But before news of the declaration could reach St. Eustatius, a powerful British fleet under Rodney hastened to that famous Dutch island, which had been the centre and seat of the American smuggling trade against the British navigation laws, and recently the source of supplies which, as Rodney said, "alone supported the infamous American rebellion." The island, which had only about fifty soldiers, surrendered, and the British seized and confiscated every article of property on it, public and private, amounting to fifteen million dollars, even the private property of their own merchants; took one hundred and eighty merchant vessels, seven Dutch men-of-war, turned all the people of the island adrift, and left nothing but the bare rocks. They kept the Dutch flag flying for two months, which decoyed into the trap some seventeen merchant ships.

Holland, however, did not succumb to these acts, which were intended to crush and terrify her. She replied by making vigorous war on England, so that the patriot party had now the alliance of Holland which they had been seeking. It was a question of how long the British ministry could carry on war with France, Spain, and Holland, as well as with the Americans, and endure the secret hostility of Prussia and Russia. It was a lucky condition of affairs for the patriot party, a situation of such general

* Magazine of American History, vol. xviii. p. 1.

hostility to England as has never since occurred, or there would be more independent nations in the world.

Any serious disaster might now drive the ministry from power and bring about the event for which the patriot party had been waiting seven years,—namely, the entrance into office of their friends, the Rockingham Whigs. Meanwhile, during the winter of 1780–81 a new condition of affairs, contrary to all Clinton's plans, was arising in the South.

The ministry was now thoroughly persuaded that the rebellion could never be subdued except by the utmost severity. Clinton's severity having proved itself so successful, they thought that it ought to be carried out more widely and boldly, and made to cover more ground. But Clinton had carefully abstained from such a reckless extension, because he knew the risk of such a policy with his small force.

Cornwallis's victory over Gates, and the devastation, cruelty, and killing of prisoners and non-combatants by which he had subjugated South Carolina, raised him in the estimation of the ministry as perhaps a better man for their purpose than Clinton. Cornwallis despised Clinton's policy, called it mere tobacco stealing, and seems to have urged the ministry to change it. They accordingly encouraged Cornwallis in a way that was very unpleasant for Clinton; and Cornwallis was finally so convinced of his own importance that he would not obey Clinton's orders or carry out his policy.*

* Clinton, "Observations on Stedman's American War," pp. 9, 17, London, 1794. The encouragement of Cornwallis and slighting of Clinton has sometimes been assigned exclusively to Germain. He, of course, as Colonial Secretary, wrote the letters; but those letters expressed what had been resolved upon by the ministry and the king, and were not merely an expression of Germain's private views.

CONTEMPORARY FRENCH ENGRAVING OF THE DESTRUCTION BY THE ENGLISH OF THE DUTCH SETTLEMENT OF ST. EUSTATIUS

Clinton took the precaution of asking to be recalled; and yet when given permission to resign whenever he chose he seems to have been unwilling to do so and give the command to Cornwallis, who, he believed, was conducting military operations in a way to force the resignation.

Cornwallis was a very uncertain person. As Howe's subordinate he had been lax and indifferent to the verge of incompetency. He failed to pursue Washington through Jersey in 1776. He allowed the patriot army to escape when he had it cornered at Trenton. He defended Howe's extraordinary move to Philadelphia, and was neither aggressive nor severe. But under Clinton and the new methods of the ministry he completely changed. He carried pursuit, energy, and aggressiveness to an extreme, did many of the things which he had testified before the Howe Committee of Inquiry could not be done, and became as cruel and merciless an officer as was ever turned loose to crush independence and patriotism.

As he was a Whig member of Parliament, and apparently a chameleon politician without strong convictions, his conduct may be explainable by some political condition of the time of which we are not informed; and mere personal ambition may possibly be the explanation. Clinton who was a rather straightforward person, and not a political general, seems to have been unable to acquire the least respect for either the ability or character of Cornwallis, who before he came to America was described by Junius as a Whig, who toadied to Tories, and "shifted his company as well as his opinions." *

The British forces under Cornwallis had a firm control of South Carolina. It was Clinton's plan to keep this

* Ross, "Correspondence of Charles, First Marquis Cornwallis," p. 12. After the Revolution Cornwallis gratified his ambition by having a very distinguished career in subduing the Irish and the East Indians.

to colonies, another tier of self-willed and aggressive republics would spring up beyond the mountains.*

The riflemen, after striking this blow, scattered to their homes in the mountains, showing again what an elusive as well as deadly foe they could be. Before separating they began to kill their prisoners, in retaliation for British prisoner-killing, and had hanged ten of them when they were stopped by their commander Campbell.

Cornwallis, after the loss of Ferguson's whole command, fell back from Charlotte into South Carolina to recuperate and wait for reinforcements. One would suppose that he had now seen the folly of attempting to penetrate for long distances into North Carolina. The loyalists, upon whom he had relied to rise and assist him, were, as one of his own officers explained,† mostly of the sort which have been described as the hesitating, uncertain class. They were for whichever side was successful, and since Ferguson's defeat they were refusing to enlist with the British and breaking their oaths of allegiance, a condition of mind which was encouraged by a defeat which Sumter inflicted on Tarleton at the battle of Blackstock Hill.

The northern patriots were greatly encouraged and saw their opportunity in the methods of Cornwallis. Washington made great efforts to have General Greene put in command of all the patriot forces that could be collected in the South, and the services of Daniel Morgan were also secured. Both Greene and Morgan had been rather ill-used and refused promotion by the Congress, which at this period was a most factious, petty-minded, and ridiculous body, which gave no promise of future good government at patriot hands in America. The language of contempt

* Magazine of American History, vol. v. pp. 351, 401.

† Ross, "Correspondence of Charles, First Marquis Cornwallis," vol. i. p. 63.

which the English, the loyalists, and some of the patriots applied to it seems to have been entirely deserved.

The situation now became a pretty chess-board, a real game of war. Clinton sent Arnold with a force of sixteen hundred to replace in Virginia the force of Leslie, who had sailed for Charleston to help hold South Carolina, while Cornwallis played his pranks to the northward. As a check upon Arnold in Virginia and to prevent him assisting Cornwallis, Washington sent to that province a force under Steuben, and later under Lafayette. Greene rapidly collected forces of riflemen, horsemen, militia, and every fighting man he could find. There were not many of them, barely 2000, while Cornwallis had over 3000.

Greene divided his army into two divisions. The larger division of about 1100 he led in person, and established it at Cheraw Hill, on the Pedee River, near the coast, whence Marion and Light-Horse Harry Lee from Virginia could raid round Cornwallis's right and endanger his communications. The remainder of Greene's force, about 900 strong, and commanded by Morgan, was sent westward to annoy the left wing of Cornwallis; and here Colonel Washington, a cousin of the general, was the raider, destroying in one dash a British force of two hundred and fifty men.

This disposition of forces by Greene has always been regarded as most skilful, for Cornwallis could not very well concentrate his whole force upon either division of his enemy without having the other division fall upon his flank or rear or cut his communications. It was also part of Greene's plan, as being the weaker party, to wait until he was attacked, and be attacked upon ground of his own choosing.

Cornwallis divided his army to correspond with Greene's. He sent Tarleton with 1100 men to attack Morgan's 900,

and he himself led his remaining 2000 against Greene's 1100. In spite of all warnings and against the advice of Tarleton, he had now returned to his original plan of invading North Carolina; and he even destroyed his heavy baggage and wagons and prepared to cut himself loose from all his communications with South Carolina. He was giving the patriots their grandest opportunity in the war.

Morgan fell back to ground that suited his purpose, a place near King's Mountain, called the Cowpens, where cattle were collected from the surrounding grazing country. He placed himself with the river in his immediate rear, which, if he were defeated, would largely cut off his retreat; but he did this, he said, to prevent his militia from running too soon. He then prepared a formation which seems to have been entirely original, the result of careful thought and thorough knowledge of his material.

He placed the raw militia far in the front to receive the first onset of the British, and told them that he expected them to fire only two volleys at killing distance. After that they could run; and he showed them how to run round the left flank of the rest of his troops, and get behind the main body of them, where they could reform at their leisure and recover themselves. There seems to have been infinite shrewdness in this arrangement. It was a plan which had been much discussed and urged in opposition to Washington, who thought that militia should not be used in that way.

About one hundred and fifty yards behind the militia Morgan placed his picked troops on a slight hill, and one hundred and fifty yards farther back he placed his cavalry under Colonel Washington.

Tarleton attacked, in his dashing, eager style, at sunrise. The militia received him better than was expected, and re-

treated as they had been told. The British instantly spread out and rushed at the second line of Americans, intending to flank them on both sides. The second line avoided this movement by falling back to the position of the cavalry. At the same time the cavalry circled round and attacked the British right flank, and the militia, having been reformed, circled round the other side and attacked the British left. The second line retreated no farther, but, after delivering their fire at thirty yards, charged the British.*

It was a most remarkable battle,—the first originally contrived battle that had been fought by the patriots. They lost only seventy-three killed and wounded, while the British lost two hundred and thirty and surrendered six hundred prisoners. In fact, Tarleton was almost as completely routed as Ferguson had been. He escaped on his horse, after a savage but bloodless sword combat with Washington.

Our good friend Cornwallis had now lost two of his commands, and was apparently eager to lose a third. He was pressing north and trying to cut off Morgan from joining Greene. It was a race between them; but Morgan was more lightly equipped, and by a rapid march crossed the Catawba ahead of Cornwallis. Greene, learning of Morgan's success at the Cowpens, and that he was moving north, with Cornwallis chasing him, at once started his whole force northward from Cheraw Hill, so as to draw Cornwallis farther and farther northward.

Cornwallis was now beaten. Having lost such a large part of his army, his only safe course was to fall back to his stronghold in South Carolina. But he seemed determined to go into the trap, and, having destroyed his heavy baggage, pressed faster and faster northward to the place

* Magazine of American History, vol. xxx. p. 207.

to which Greene was leading him. In doing this he was disobeying Clinton's orders, and running a frightful risk with everything against him.*

Greene, leaving the command of the larger division to General Huger, had crossed over to Morgan's division and taken command of it. The two divisions were moving northward, gradually converging towards each other, with Cornwallis, like a trained dog, closely following Morgan's division. It was the beginning of February, 1781, rainy, muddy, and the streams all swollen. Greene's divisions carried boats on wheels, and could cross the streams more rapidly than Cornwallis, who could have been led all the way up into Pennsylvania if it had been necessary to take him that far. Greene's men were too few to fight, and they were in a wretched, ragged condition, with only one blanket to four men, their shoes worn out and their bleeding feet tracking the ground, as at Princeton and Valley Forge.

On the 9th of February Greene's converging divisions met at Guilford Court-House, in Northern North Carolina. He wanted to stop and fight, but could not get reinforcements from the Virginia patriot force, which Arnold held in a tight grip. So he moved on, with Cornwallis following, passed into Virginia, and crossed the Dan River. This was too large a stream for Cornwallis. He turned back and went southward a few miles to Hillsborough, declared a conquest of North Carolina, and issued proclamations to encourage the loyalists.

Fearing that his prey might escape southward, Greene returned into North Carolina, and for three weeks the two armies dodged each other, while Greene waited for reinforcements. They came at last. He had 4000 men to

* Clinton's MS. notes to Stedman's "American War," vol. ii. pp. 195, 317, 325.

Cornwallis's 2000. The trap was complete. He selected Guilford Court-House as the place where he wished to be attacked, and, on March 15, arranged his men in three divisions, one behind the other, with the worst militia in front, almost exactly as Morgan had done at the Cowpens. The only difference was that the distances between the divisions was very long,—some three hundred to four hundred yards,—and the cavalry was placed on the flanks instead of in the rear.

Cornwallis came up and attacked exactly where he was wanted; but he fought better and more carefully than Tarleton. It was a most severely contested battle, lasting five hours, with heavy losses on both sides; and at the end of it Greene considered himself fortunate to be able to fall back in safety. When he found that his men were in a secure position he fainted from exhaustion.

Cornwallis, too, was quite willing to retire to a strong position after his nominal victory. In effect he had given the day and the war to the Americans. After his severe loss he could not fight again. He should have fallen back on South Carolina and saved it, as he had been ordered to do by Clinton, in case he should be unsuccessful in North Carolina.* But to Clinton's bitter mortification Cornwallis retreated to the nearest seaport, which was Wilmington. From there he could have gone back to Charleston by sea and still saved Clinton's policy.

Greene assumed that he would do this; and as soon as he saw him about to enter Wilmington, he started in hot haste to strike a blow in unprotected South Carolina and Georgia before Cornwallis could reach them by sea. The excellent system of cantonments following the valley

* Clinton, "Observations on Stedman's American War," pp. 17, 23. "If Lord Cornwallis had never left South Carolina," said Clinton, "his Majesty might have remained sovereign of that great continent."

of the Santee River, from Georgetown at its mouth up to Camden and Ninety-Six, by which Clinton's skill had secured British control of South Carolina, had been left weakly manned and were ripe for an attack. Greene hastened to reach them, but he need not have been in such a hurry, for Cornwallis gave him all the time he needed.

On the 18th of April, while Greene threatened Camden, Marion attacked Fort Watson, which was an old Indian mound in the midst of level land. With the originality which had now become so characteristic of the patriot officers, one of Marion's subordinates, Major Mayham, suggested cutting pine logs and building them into a sort of tower from which to shoot down into the fort. This was quickly done, the tower filled with riflemen, and the fort surrendered.

This surrender broke the line of communication in the British cantonments. Lord Rawdon sallied out of Camden, attacked Greene at Hobkirk's Hill, and drove him from his position. But Rawdon, with his line of communication to the sea broken, could not hold Camden. He abandoned it and retreated to Monk's Corner, close to Georgetown and the mouth of the river.

Greene, by merely fighting losing battles, now quickly disposed of all the other interior cantonments, and Light-Horse Harry Lee went down into Georgia and took Augusta. Rawdon drove Greene from the siege of Ninety-Six, but had to fall back to the coast as he had done from Camden. Ninety-Six was abandoned June 29, and Rawdon retired to Orangeburgh to protect Charleston. The heat was becoming too excessive for the endurance of either army. They went into summer quarters. Rawdon remained at Orangeburgh and Greene summered his troops on the High Hills of Santee.

But where was Cornwallis all this time? Why had he

not come from Wilmington to save South Carolina? One would have supposed that he had sufficiently broken up the effective system of Clinton, and might now be willing to save or restore it at the last moment. It seems, however, that he was determined to make a present of South Carolina to Greene, and a present of himself to any patriot officer who would take him.

After reaching Wilmington on the 7th of April, he had remained there a little over two weeks, and then, to the surprise of every one and the disgust and indignation of Clinton, he went, not by sea to South Carolina, but by land to Virginia, which he reached May 20, and joined the forces which were there under Arnold. Clinton declared that the movement of Cornwallis to Wilmington and thence to Virginia was inexplicable on any military grounds, and by this he may have intended to intimate that he thought there was a personal reason or perhaps a political one. The ministry, Clinton says, finally saw the folly and danger of Cornwallis's methods, but too late. One year more of the careful wearing-out process, Clinton said, would have exhausted the patriot party and ended the war.*

Arnold returned to New York, and Cornwallis assumed command of the British Virginia force of about five thousand men. He actually wrote to Clinton urging him to abandon New York, and to come with his whole force down to Virginia and help hold that province. Howe had followed the policy of occupying towns and abandoning them. Cornwallis wished to occupy provinces and abandon them. He had previously advised Clinton to scatter his forces by attempting to hold every port where the French might land.

During the whole of June, while Greene was destroying

* MS. notes to Stedman's "American War," vol. ii. pp. 353, 354, 390.

the enfeebled works in South Carolina, Cornwallis chased the small patriot force under Lafayette up and down through Virginia. Lafayette was a mere youth of twenty-three; but he never allowed the British general to come up with him, and avoided giving battle. They merely played at hide-and-seek with each other all over the ground which, in the Civil War, was so desperately contested by the Union and Confederate armies. From Williamsburg, where an unimportant engagement was fought, to Charlottesville, where Tarleton tried to capture Thomas Jefferson, through the valleys of the James, Chickahominy, and Pamunkey, was the scene of their game.

In August they stopped the sport and went into summer quarters. Cornwallis placed himself at Yorktown, close to Chesapeake Bay and sea communication; and Lafayette stationed himself at Malvern Hill, near the James, to keep watch on his queer antagonist.

While they rested in this position Greene, on the 22d of August, finding his men increased in numbers and in good condition, would not wait until cooler weather. He marched his army in the cool of the mornings and evenings to attack the British at Orangeburgh. They fell back on Eutaw Springs, where, on September 8, a battle was fought in which they were at first driven from their position, but formed a new line which they held. Being, however, unable to assume the aggressive, they retreated the next day to Charleston, and that ended Greene's campaign.

He could not drive them from Charleston any more than Washington could drive Clinton from New York; and, like New York, Charleston was held by the British until the close of the war. But Greene had reconquered Georgia and all the interior of South Carolina. The patriot State government of South Carolina was restored, and Cornwallis's gift of that province and Georgia was complete.

SHOWING THE WANDERING CAMPAIGN OF CORNWALLIS FROM CAMDEN TO YORKTOWN

Without the slightest military necessity for it Cornwallis had turned the situation in America upside down. From a situation where it was a mere question of time for the British to wear out the patriots, his genius had brought about a state of affairs in which the patriots had begun to wear out the British. With South Carolina lost, with New York so weakened to support Cornwallis in his uncertain migrations about Virginia that Clinton could no longer keep the French army locked up in Newport, the opportunity of a deadly and sudden blow was presented to Washington.*

With the French army set free to aid him, it seemed as if he could surely strike Clinton in New York and take that stronghold. The natural place for attack seemed to every one to be New York, because it was nearest, and from the time of Greene's first successes in South Carolina Washington had been planning with the French General Rochambeau for such an attack.

It was proposed to summon to their assistance the French fleet under Count de Grasse, which had been fighting the English in the West Indies. The fleet was summoned, and started from the West Indies on the 14th of August. Everybody, including Clinton himself, looked forward to the attack upon New York as the most obvious policy of the patriot and French forces.

On the 19th of August, leaving Heath with about 4000 men to hold West Point, on the Hudson, Washington, with 2000 patriot troops and accompanied by Rochambeau with 4000 French soldiers, started down into New Jersey with the evident intention of going out on Staten Island to

* The main sources of information on this extraordinary campaign of Cornwallis are his own letters, edited by Ross, Clinton's "Observations on Stedman's American War," printed in London in 1794, Tarleton's Narrative, Clinton's MS. notes on Stedman's "American War," in the Carter-Brown Library at Providence, and B. F. Stevens's "Clinton-Cornwallis Controversy."

co-operate with the French fleet that had already left the West Indies. But after passing New Brunswick the army was surprised to find itself directed away from Staten Island, and not until it had crossed the Delaware and almost reached Philadelphia did the country or Clinton realize that it was making a dash at Cornwallis in Virginia.

It had now too much of a start for Clinton to hope to stop it. It quickly reached the head of Chesapeake Bay, was put aboard ships, and on the 18th of September was confronting Cornwallis at Yorktown, with all the patriot forces in Virginia added to its numbers.

This was the first opportunity Washington had had to show any marked ability in what is usually called generalship. For six years his skill had been displayed principally in tact and patience in holding together a half-organized mob, enthusiastic for the rights of man. The tact and patience and force of character with which he did this were marvellous; but they were not what is usually called great military ability. In fact, his tasks during most of the Revolution required certain statesmanlike qualities rather than military talent or genius. He had fought two battles, Long Island and Brandywine, which he was sure to lose; and he had lost them as courageously and with as little disaster as could have been expected. Trenton and Princeton were clever, brilliant little strokes; but they were mere outpost affairs which might or might not imply the possession of high talent. The move on Yorktown, however, the whole conception of it, which was entirely his, and the sudden and at first veiled execution of it, have given him, in the eyes of military authorities, a far higher position as a soldier than all his previous career was able to bestow.

The secret of the movement had been faithfully kept

by himself, Rochambeau, and de Grasse. The fleet under Count de Grasse had arrived in the mouth of the Chesapeake about the time that Washington and Rochambeau crossed the Delaware River. The British fleet under Admiral Hood, that had been protecting the West Indies, outsailed de Grasse in coming up the coast, and reached New York, which was supposed to be de Grasse's destination. On learning of his presence in the Chesapeake to assist in the destruction of Cornwallis, the fleet returned under Admiral Graves, together with the ships he had commanded on the New York station. On September 5, the day Washington and Rochambeau were embarking at the head of the bay, de Grasse and Graves fought a naval battle at the mouth of the bay, from which, after two hours, Graves withdrew with a loss of some three hundred men and three crippled ships. Seeing that de Grasse was clearly too strong for him, he returned to New York, and the trap round Cornwallis was complete, for he could no longer rely upon reinforcements or assistance from the British fleet, which he had hoped would be able to come into the river at Yorktown.

He went through a form of resistance while the Americans and French besieged him, and dug parallels of approach during the rest of September and for two weeks in October. But, seeing the futility of resistance, he finally surrendered on October 17, the anniversary of Burgoyne's surrender four years before.*

Clinton had gone by sea to his aid, but, arriving too late, he returned to New York. Arnold conducted in September

* After Cornwallis had returned to England, we find him writing, November 13, 1783, "I am every day more and more convinced of the necessity of military reading." There was certainly in his case great necessity for it; and although it was a rather late beginning, his new studies no doubt helped him in his career in India.—Ross, "Correspondence of Cornwallis," vol. i. p. 149.

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colonial government, which she has herself adopted; and that if she had yielded to those demands in 1776 America would still be a part of the British empire.

These extraordinary notions are continually being fostered, either directly or indirectly, in volumes which pass as history. But England, so far from acknowledging the soundness of the method of Burke and Chatham, or the reasonableness of our demands, has governed her colonies ever since our Revolution by a method which is directly the reverse. No English colony has now any of the rights which were demanded by the Americans of 1776, nor any hope of obtaining them except by a rebellion and war which would be assisted by some powerful nation.

The main contention of our patriot party was that Parliament should exercise no authority in the colonies, should be considered constitutionally incapacitated from passing an act to regulate the colonies, and that the colonies should be attached to England merely by a protectorate from the crown. This demand was rejected by England, and would now be considered as so completely out of the question that no one of her present colonies would think of suggesting it; for if there is anything that is absolutely settled in English political or constitutional law it is that Parliament has the same supreme and omnipotent power in every British colony that it has in London.

As for the other demand of our patriot party that England should not keep a standing army in a colony or build fortifications in it except by that colony's consent, it was, of course, rejected by England, because it necessarily destroyed the colonial relation and meant independence; and in England's present colonial system, which is maintained solely by the overwhelming power of an army

and navy, such a right in a colony would be too ridiculous to be mentioned.

In fact, England considers herself entitled to do, and habitually does, in any of her colonies, almost every one of the things against which our people protested or rebelled.* One of the strongest incentives our people had for taking arms was Parliament's alteration of the charter and government of Massachusetts. They contended that Parliament could not alter the charter or government of a colony without that colony's consent. But England now alters any colonial charter or constitution as she pleases, withdraws or suspends it, and no colony dreams of denying her right to do so.

It is true that England exercises these powers with as much forbearance and caution as is possible; she is conciliatory and friendly, and grants such freedom as she considers is not inconsistent with the maintenance of her dominion. She was certainly extremely liberal and forbearing with us for a hundred years while France held Canada, and most cautious, conciliatory, and even yielding in repealing the Stamp Act and the paint, paper, and glass act in the early stages of the Revolution. But English colonists, so far from having any of the rights for which we contended, have no rights at all in the American sense of the word. They are dependent on the charitable consideration or the politic forbearance of the mother-country. Their condition can be changed at any moment. They are what John Adams and Hamilton described as political slaves. They have what they call their constitutional relations, but the word constitutional does not with them mean a fixed principle as with us.

* England even disregarded the American protest against transporting convicts to the colonies, and as soon as we won our independence she turned her colonies in Australia into a dumping-ground.—Pennsylvania Magazine of History, vol. xii. p. 457.

"In the statement of constitutional rules, it must be recollected that any emergencies may cause them to be broken. Improper action by the colonists, or a particular party of them, might compel Parliament to legislate in disregard of the ordinary maxims of policy."—Jenkyns, "British Rule and Jurisdiction Beyond the Seas," p. 12.

Judging by Great Britain's conduct during the years following our Revolution, the lesson she drew from it was that the greatest mistake that could be made in governing colonies was to grant them privileges and concessions, or to yield to their violent demands; for such yielding builds up the patriot party which always exists in every community.* Our Revolution caused England to tighten, not to loosen, her grip on her dependencies. It even caused her to be tyrannical and cruel, which, it cannot be said, she had been with us previous to Clinton's command in 1778. It was after our Revolution that she began that system of injustice to the Dutch of Cape Colony, described in Theal's "History of South Africa," which finally drove them to make the grand trek into the interior and found the Transvaal and the Orange Free State.

England's colonies can no longer raise, as we did, the question as to what the word colony means. We held it to mean an independent state beyond the jurisdiction of Parliament, making its own laws as it pleased, and connected with the mother-country only by a protectorate to prevent foreign interference or invasion. But a modern English colony, even if allowed the utmost limit of self-government, is under the full jurisdiction of Parliament, enacts its laws, subject to the veto of the home government, and is ruled by a governor sent out from England. Every British colony is now held down to this or a more severe condition by a military and naval force so over-

* Report of American Historical Association, vol. i. pp. 375, 386; Jenkyns, "British Rule and Jurisdiction Beyond the Seas," p. 8.

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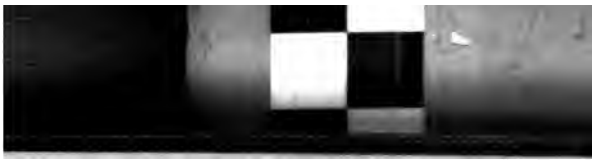

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